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Procedure

AT THE

ROMAN CURIA

A Concise and Practical
Handbook

BY THE

Very Rev. Nicholas Hilling, D.D.
Professor at the University of Bonn

Second Edition
Revised and Enlarged

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Contents

Part I. The History of the Roman Curia

PAGE

INTRODUCTION 1

CHAPTER I. THE FIRST THREE CENTURIES 7

CHAPTER II. THE MIDDLE AGES (313-1587) 10

CHAPTER III. FROM SIXTUS V (1587) TO THE PRESENT TIME 19

Part II. The Constitution of the Roman Curia

CHAPTER I. THE NAME CURIA AND ITS MEANING 22

CHAPTER II. THE OFFICIALS OF THE CURIA 24

1. *The Cardinals* 25

2. *The Prelates* 33

3. *Other Officials* 40

CHAPTER III. THE DEPARTMENTS OF THE ROMAN CURIA 45

I. The Consistory and the College of Roman Cardinals 47

The *Sacra Congregatio Romanae et Universalis Inquisitionis, seu Sancti Officii* 54

The *Sacra Congregatio Indicis Librorum Prohibitorum* 58

The *Sacra Congregatio Cardinalium Concilii Tridentini Interpretum* 61

Congregations and Commissions connected with, or related to, the *Congregatio Concilii* 68

The *Sacra Congregatio Super Negotiis Episcoporum et Regularium* 73

CONTENTS—*Continued*

PAGE

The *Sacra Congregatio Consistorialis*, and the *Sacra Congregatio Examinis Episcoporum* 77

The Two Congregations *de Propaganda Fide*, and their Auxiliary Commissions 79

The United Congregations *S. Rituum and Indulgentiarum et Sacrarum Reliquiarum*—The *Congregatio Caeremonialis* 85

The *Sacra Congregatio Super Negotiis Ecclesiasticis Extraordinariis* 94

The *Sacra Congregatio Studiorum* 97

The *Sacra Congregatio Reverendae Fabricae S. Petri* 99

The *Sacra Congregatio Lauretana* 100

The *Sacra Congregatio Visitationis Apostolicae* 101

The Newest Commissions of Cardinals 103

II. The Offices (*Officia*) of the Roman Curia.

The *Secretariae Palatinae:*

I. The *Secretaria Status* 110

II. The *Secretaria Brevium* 113

III. The *Secretaria Brevium ad Principes* 115

IV. The *Secretaria Literarum Latinarum* 115

The *Cancellaria Apostolica* 116

The *Dataria Apostolica* 123

The *Sacra Poenitentiaria Apostolica* 127

III. The Tribunals (*Tribunalia*) of the Roman Curia.

The *Sacra Rota Romana* 132

The *Reverenda Camera Apostolica* 137

The *Signatura Justitiae* 141

The *Signdtura Gratiae* 143

CONTENTS—*Continued*

Part III. Procedure at the Roman Curia

PAGE

INTRODUCTION 145

CHAPTER I. PETITIONS FOR PRIVILEGES, FACULTIES, DISPENSATIONS AND ABSOLUTIONS, AND THEIR FORMS... 146

General Directions 146

Special Directions Concerning Petitions for Absolution to the Apostolic Penitentiary 152

(a) Forms for Petitions most commonly addressed to the Holy See

I. FORMS FOR PETITIONS FOR THE FACULTY TO BLESS.

1. Blessing of the four Scapulars under one form 156
2. Blessing of Bread, Wine, Water, and Fruits, against Throat Troubles, on the Feast of St. Blaise 157
3. Blessing of Girdles in honor of St. Philomena 157
4. Blessing of the Scapular in honor of St. Michael the Archangel 158
5. Blessing of Crosses, Crucifixes, Medals, Rosaries, and Metal Statuettes, with Papal Indulgences 158
6. Blessing of Ecclesiastical Vestments 159

II. FORMS FOR PETITIONS FOR THE APOSTOLIC BLESSING.

7. The Apostolic Blessing with Plenary Indulgence at the hour of death, for the petitioner and his relations to the third degree, inclusively 160
8. The Apostolic Blessing for the Close of Missions 161

III. FORMS FOR PETITIONS FOR INDULGENCIES.

9. The Indulgence of the Portiuncula 161
10. Personal Altar-privilege 162
11. Privileged Altar 162

PAGE

12. Plenary Indulgence for a Church on a certain Feast Day, 163
13. Indulgence for a Newly Erected Confraternity..... 164

IV. Forms for Petitions for Privileges, Dispensations, and Special Faculties.

14. The Reading of Prohibited Books..... 164
15. Anticipation of the Breviary..... 165
16. Commutation of the Breviary..... 165
17. Celebration according to the Mass form *de Beata*..... 166
18. Communion without observing the *jejunium naturale*, 166
19. Private Oratory (a) for Sick Priests 167
" " (b) *More Nobilium*..... 168
20. The Permanent Preservation of the Blessed Sacrament in Private Oratories 169
21. Absolution from Censures..... 170
22. Dispensation from a Reserved Vow..... 171

(b) Petitions to Religious Orders for the Granting of Faculties 172

I. Blessing and Investiture of Scapulars..... 172

1. The White Scapular of the Most Holy Trinity..... 172
2. The Brown Scapular of Mount Carmel..... 172
3. The Blue Scapular of the Immaculate Conception..... 172
4. The Black Scapular of the Seven Dolors..... 173
5. The Red Scapular of the Passion..... 173
6. The Scapular of Our Lady of Good Counsel..... 173
7. The Scapular of St. Joseph..... 173

II. The Blessing of Rosaries.

1. Rosaries with the Dominican Indulgences 174

CONTENTS—*Continued*

PAGE

2. The Rosary of St. Brigid 174

3. Rosaries of the Seven Dolors 174

III. Blessing of St. Benedict's Medals 175

IV. Blessing of Crucifixes with Indulgences of the Way of the Cross, and the Erecting of Stations of the Cross, 175

V. Aggregation of Confraternities to an Arch-Confraternity 176

Chapter II. The Civil Procedure at the Roman Curia 177

I. The Procedure *juris ordine servato* at the S. Congregation of the Council 177

II. The Procedure *juris ordine servato* at the S. Congr. *Epp. et Regg* 182

III. Procedure in Marriage Processes 185

Chapter III. Penal Procedure at the Roman Curia 207

1. Regulation of the S. Congregation *Epp. et Regg.* for Penal Processes in the Appellate Instance 207

2. Regulation for Summary Procedure at Episcopal Courts 210

Chapter IV. The Foundation and Approbation of Religious Congregations with Simple Vows 219

Appendix

Important Roman Decrees and Rescripts Promulgated since the Pontificate of Pius X.

I. Motu Proprio of Pius X on the Apostolic Protonotaries, Roman Prelates, etc. 249

II. Decree of the S. Congregation of the Council, on Manual Stipends, and *Resolutio Dubiorum* 276

CONTENTS—*Continued*

PAGE

III. The Ordinary and Extraordinary Faculties of the S. Congregation of the Sacred Rites 291

IV. Decision of the S. Cong. *Concilii*, on the *Jura Stolae* ... 302

V. Decision of the S. Congr. *Epp. et Regg.* on the removal of a Pastor by the Episcopal Administration 310

VI. Motu Proprio of Pius X on the Union of the Ursuline Nuns 314

VII. Motu Proprio of Pius X on the Codification of the Canon Law 316

VIII. Decree of the Pontifical Commission *De Re Biblica*, of May 29, 1907, on the Authorship and Content of the Fourth Gospel 320

IX. Syllabus of Errors condemned by the S. Congr. of the Inquisition, July 3, 1907. Latin Text and Translation 322

X. Decretum de Sponsalibus et Matrimonio 342

XI. Apostolic Constitution on the Roman Curia 349

Index 369

Preface to the Second Edition

THE active intercourse nowadays existing between the Catholic world and the Holy See is significant and gratifying. The sixty years, especially, that have gone since Pius IX ascended the Papal Throne have been witness to an ever increasing influx into Rome of devoted subjects whose faith and love brought them as pilgrims to the Papal City. There, too, have been found many whose faith is not that of the Church of Rome, but who have been drawn thither by the irresistible charms that piety and art have thrown around the center of Catholicity.

Conditions such as these have brought with them a decided interest in the constitution and workings of the Roman Curia, and the present work, which is the fruit of much observation as well as of careful research during a prolonged residence at Rome, is designed to offer all the necessary information on these points.

Since this book first appeared, a year ago, some changes have taken place in the constitution of the Curia, and they will be found fully recorded in this new edition.

PART I

The History of the Roman Curia

Introduction

THE contemplation of the imposing structure revealed by an inspection of the supreme governing body in the Catholic Church must excite the admiration not only of the loyal Catholic, but even of the unbiased observer outside the fold who realizes the comprehensive and proficient organization of this eminent administrative and executive institution.

The origin and development of this body and of its various parts is an historical study of its own, but it is befitting that at least the principal data should be familiar to those wishing to be well informed, so that not only the plan and purpose of this supreme court of the Catholic Church, but also the meritorious efforts of the Popes for the perfection of its organization may receive due recognition. To this end, and in order to demonstrate the guidance of Divine Providence, as well as the practical wisdom of the heads of the Church, and the influence of civilization and science, in the development of the Curia through the course of the centuries, we shall prefix to our work the most essential facts of its history.

Let us recall to mind, first of all, some general principles of the ecclesiastical constitution. There is in the Catholic

Church the maxim: *Ubi papa, ibi curia.* The Pope is the supreme head of the Roman Curia, of which he makes use for the administration of the Church in Rome and throughout the world.

It may be assumed, in all reason, that already the first head of the Church, St. Peter, and his successors in ever increasing degree, needed the assistance of qualified coadjutors in the government of the Church, though, of course, in the beginning the work did not require a numerous staff. Gradually, and step by step, there evolved from the small beginnings of the first three centuries the grand body which it has come to be in our days.

This evolution was brought about by three chief conditions: (1) by the position which the Church attained in the Roman empire; (2) by the spreading of the Catholic faith throughout the countries of the globe; and (3) by the expansion of the Roman Primacy. It is only in regard to the last point that a few explanatory remarks will be here in order.

The fact and principle of the Primacy of Peter and his lawful successors being beyond any doubt set forth in Holy Scripture (Matt. xvi, 17; John xxi, 15), this Primacy has existed in the Church from its very foundation. This keynote of Catholic belief, expressed by Ambrose, the saintly Archbishop of Milan, in the words (Ps. xl, 30): "Ubi ergo Petrus, ibi ecclesia," has for its authority the announcement of the Lord that He would build His Church upon the rock of Peter. The fundamental institution of

the Primacy was not established by written document, word for word setting forth its rights and duties, but promulgated as a living thought and faithfully perpetuated in the Church, its practical development remaining the sphere for the action of Divine Providence and for the influence of human progress.

The advancing of the Church abreast of civilization, in extrinsic matters, is not always understood, or not rightly understood, and since human progress plays a considerable part in the development of the Roman Curia, it is befitting that some light be thrown upon this point, which we can not do better than in the following words of the late Bishop Bellord (*Homiletic Monthly,* 1907, No. 11):

"So universal, so irresistible is this law of human progress, that even the dealings of God's Providence with men have had to pass through successive stages of perfection. For twenty centuries mankind was under the natural law handed down by family tradition from Adam. There was no code of precept committed to writing, no ceremonial law defining methods of worship. Conscience was each man's guide. The head of the family or tribe was the religious as well as civic ruler; he gave the laws, he offered sacrifice according to his own discretion. As men became more numerous, tribes were combined into nations, a large organization became necessary, and religion had to keep pace with social progress. A written revelation was given, a special priesthood appointed, the forms of worship carefully laid down. That dispensation lasted

another two thousand years. The Israelites had become a nation, and obtained a land for their abode. At first ruled by God through the priesthood, then by judges who raised themselves to eminence by their talents, the country became a monarchy, then a kind of republic, and at last a province of the Roman Empire. At length the whole system was worn out and left behind as mankind progressed. Universal corruption prevailed throughout the world, and all nations looked for a Redeemer to begin a new era. The time arrived for a crisis both in the natural and the supernatural order. Jesus Christ came and renewed the face of the earth; He overthrew the old system, and founded a new religion. He commenced a New Testament, a new dispensation, a new order in the dealings of Divine Providence with mankind. An entirely new set of ideas were planted in the human race; these were the germs of new institutions, of a new commencement in human progress, and they mark a definite, broad separation in history between two worlds, the ancient and the modern. From that time there has been a regular advance, always on the same lines, a steady growth of one and the same spirit; although with many checks and occasional temporary or local retrogression."

The peculiar requirements of succeeding ages thus demanded corresponding and appropriate changes in the application of the principle, not changes of the principle, which is immutable. While, then, the principle of the papal Primacy has grown and spread and become more powerful in the course of the centuries, there has been no deviation from the

order established by Christ, but simply a natural progress along the path sanctioned by the Lord. The constitution of the Catholic Church must not be compared to an inanimate rock, devoid of all growth; its true picture is rather that of an organism of robust vitality, which, though never changing its essential qualities, exhibits in all directions the evidences of progress and development. Nor are these evidences of development and progress wanting in the history of the papal Primacy and of the Roman Curia.

We shall in our succeeding chapters trace the various steps of this development. Before doing so it will not be out of place to point out that the conservative character of the Catholic Church is not less in evidence in the evolution of the papal forum. It has taken ages to erect the edifice; older forms of administration have given way to new ones very gradually; thoroughgoing reorganizations, sweeping changes, were much less common than a gradual upbuilding and natural conformation of the various institutions of the Curia.

It must be recorded also, to their credit, that the Pontiffs gave to the establishment and perfection of the general law in the Church preference over the matter of directing and extending the activities of the administrative body, for the *Corpus Juris Canonici* came into existence prior to the complex chancery ordinances and statutes regulating the procedure of the Congregations that constitute the Roman court. In the organization of the administrative departments the Popes have incorporated many original ideas of their

own, but they have also, especially in the early times, made use of the wisdom of the ancient Roman law. It is admitted that the spirit of the classic Roman law has been perpetuated longest and in greatest purity in the Roman Church, and even at the present time this spirit is far from being extinct in her institutions. The fact that the papal court and its classic methods of administration have, especially in the Middle Ages, formed an unparalleled model for the governments of the world, must be ascribed, next to the guidance of Divine Providence, to the logical adherence to the Roman law in its formation.

The intrinsic and extrinsic life of the Catholic Church is naturally reflected in her highest administrative body. In the same manner as the single members of the human body receive their individual strength from the combined human organism, and in return contribute to the general strength of it, so is the operation of the Roman Curia in unceasing exchange of give and receive with the life of the entire Church. There have been shared by both alike the good and the evil days.

CHAPTER I

THE FIRST THREE CENTURIES

We are wont to regard the first centuries of the Catholic Church, when she was waging a harrowing fight for her existence, especially in the capital of the Roman empire, as a most unfavorable period for the inner and outer formation of her ecclesiastical constitution. This view is natural, inasmuch as this time of great suffering, through which the Church passed then, permitted of no impressive official staff that would have functioned publicly. Had the Popes called into existence any such staff it would have been quickly exterminated by the Caesars. For the inner ecclesiastical administration, nevertheless, just that tragic epoch of the first three centuries proved of the utmost importance. It was this violent warfare of the temporal power against the Church that protected the latter from an invasion of state influences into her inner life, and which secured for her the priceless privilege of an independent development, free from undue temporal influences. Dependent exclusively upon herself and upon her own principles, the Roman Church began in those day that glorious tradition, in the faithful custody of which she was ever after actuated to oppose any encroachment of state government upon her administration, and so protected herself against subjection to what would have been the greatest enemy of

the Church, namely *Caesaropapismus,* a papacy annexed to the court of a worldly potentate, or intervolved with its policies and hazards.*

How very different, according to human calculation, many things might have been, had St. Peter founded the Roman Church under Constantine the Great!

In the first three centuries the Church had at Rome essentially no organization different from churches at other Sees of bishops. The *Episcopus* at Rome, whose supreme authority was clearly evident from the beginning, consulted in important matters with his presbytery, an assembly of the clergy. In this Roman presbytery the priests in charge of the twenty-five principal churches of Rome, and the incumbents of the seven deaconries in the poor quarters of the city, have formed a privileged category. To this category belonged also the seven notaries whose task it was to write the acts of the martyrs, and who also attended to the official correspondence and office work of the papal See. The bishops of the Sees adjacent to Rome assisted the Pope in his episcopal functions, in particular they, together with the clergy of Rome, took part in the Synods of that city. Pope Cornelius (253) in his letter to Cyprian well described the conditions prevailing in the early Roman Church in the words: "Omni actu ad me perlato placuit contrahi presbyterium. Adfuerunt etiam episcopi quinque, qui et eo

*"In this separation of Church from State consists probably the greatest and most thoroughly influential characteristic of all Christian times." So Ranke in "The Roman Popes of the Last Four Centuries."

die presentes fuerunt, ut firmato consilio, quid circa personam eorum (the Novatians Maximus, Urbanus and others, who were returning to the Church) observari deberet, consensu omnium statueretur."*

From another letter of the same Pope it is learned that at that time Rome already counted forty-six priests, seven deacons, forty-two acolytes and fifty-two exorcists, lectors and ostiaries.†

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* Th. C. Cypriani Opera omnia ed. G. Hartel III, 2, 610.

† Letter of Pope Cornelius to Bishop Fabius of Antioch. Eusebius, *Historia ecclesiastica,* VI, 43.

CHAPTER II

THE MIDDLE AGES (313-1587)

The work begun in the troublous times of persecution and oppression could now, in a period of peace and good understanding, be continued free from restraint. During this second great period, from 313 to 1587, embracing more than twelve centuries, we therefore behold the organization of the Roman Curia constantly growing and maturing, like a mighty tree whose vigorous trunk supports a luxuriant crown of branches reaching out in all directions. The period which now has our attention may be subdivided into three chief epochs, determined by remarkable events in the history of the Roman Curia that occurred in each of them.

I. Epoch, 313-1150.—The chief agency for the government of the Roman, and particularly of the universal Church, is found during this period in the Synods, especially the Provincial Synods, which were held three or four times a year,* the Pope presiding. The bishops of the entire Roman (ecclesiastical) province, including at that time

* In addition to the Spring and Fall Synods, prescribed already by the first general Council of Nice (325), Provincial Synods were also held in Rome on the day of St. Peter and Paul, and on the day of the consecration of the reigning Pontiff.

almost the whole of central and lower Italy, assembled in Rome in council, there to decide upon the *causae maiores* of their dioceses as well as of the whole Catholic world. In addition to these regular Provincial Synods there occurred in the eternal city at various times Synods of the Primates and Patriarchs. More important than these, however, were the so-called *σύνοδοι ἐνδημοῦσαι*, namely Synodal gatherings of the Roman clergy together with the bishops that happened to be present in Rome, particularly the bishops in charge of the suburbicary Sees. After the example of Constantinople, where a permanent *σύνοδος ἐνδημοῦσα* had soon been established, such an institution came to exist also in Rome, the nucleus of which was formed by the Roman cardinalate and palatine clergy and the bishops of the immediate vicinity.

Since the time of the great reformer, Pope Leo IX (1049-1054), there came into prominence General Synods, held nearly every year, either in Rome or elsewhere, in which the bishops of the entire West took part. The General Synods flourished for eighty years, and during their time they contributed a great deal to the interior organization of the Church. Beginning with the Pontificate of Innocent III (1130-1143), they began to decline, until under Alexander III (1159-1181) they were altogether abandoned.

For the discharge of routine affairs of the administration the Popes employed the time-honored district-officials (*re-*

gionarii), as they had been organized in the earliest times. The guild (*schola*) of the seven *Notarii regionarii,* whose chief was given the title of *Primicerius notariorum,* was intrusted with the discharge of the official business. Seven *Defensores regionarii,* formed by Gregory the Great into a *schola* under the *Primicerius defensorum,* undertook the guardianship of the destitute, the widows and orphans; whereas the *Defensores s. ecclesiae* were the appointed caretakers of the papal patrimonies. The district deacons and subdeacons assisted in the care for the destitute in the city and in the administration of the fiscal affairs of the patrimonies.

With the elaboration of the papal court, especially since Pope Damasus (366-384), there were introduced certain palace officials, among whom the seven *Iudices palatini* played a conspicuous part in this period. These *Iudices* began, toward the end of the sixth century, to gain such ascendency over the district-officials that they appropriated to themselves the first places in the papal chancery, in the administration of the papal state, and in the legations. The offices of the *Iudices palatini* included the *Primicerius* and *Secundicerius notariorum* (directors of the papal bureaux and archives), the *Nomenclator* (minister of favors), the *Arcarius* and *Saccellarius* (ministers of finance), and the *Primicerius* and *Secundicerius defensorum* (directors of the school of *defensores*). The Roman palatine judges were from the earliest times united into a college.

This first epoch of the Roman Curia is therefore characterized by the preponderance of large and undivided governing bodies, the chief part in the administration of the Church in Rome, and throughout the world, having been taken (1) by the Synods in *causis arduis,* and (2) by the seven *Iudices palatini,* discharging under their *Primicerius notariorum* the routine affairs.

II. Epoch, 1150-1316.—The constitution of the Roman Curia soon experienced a changed countenance by the substitution of Consistories for the Synods. Already in the preceding Synodal epoch the college of cardinal-bishops, cardinal-priests and deacons had formed the center of the Synodal assemblies.* Not infrequently the cardinals had also been active in work parallel to the work of the Synods. In the twelfth century, the volume of routine business becoming ever more extended, and, on the other hand, General Synods being held ever more rarely, it was only a little step for the cardinals to assume the work of the General Synods. About the middle of the twelfth century this change in the administration had been accomplished. Henceforth the Popes decided the *causae arduae et maiores* (matters of faith, important questions of ecclesiastical discipline, weighty matters of administration, such as, for instance, the erecting of new episcopal Sees) with the assistance of the

* Toward the end of the eleventh century the cardinal-priests and -deacons obtained the right to vote at the General Synods, whereas previously, in accordance with the general Church Canons, they had only been entitled to participation in debate.

cardinals, at regular meetings, so-called papal Consistories, usually held several times a week, sometimes even daily.* Until the time of John XXII the papal Consistories served largely for dealing with ecclesiastical litigations, which in fact constituted the principal part of their work.

Another essential characteristic of this second epoch is the formation of new official departments under direction of the cardinals, to which were assigned the labors of the palatine judges. For the formerly so influential college of the *Iudices palatini* was fast declining.†

The initial step was taken in 1037, when there first appeared a cardinal at the head of the Apostolic Chancery, with the title of *Bibliothecarius,* or *Cancellarius.*§ Toward the close of the eleventh century we meet with a *Camerarius domini papae,* who had control of the papal finances, and who later, in 1150, was invested with the rank of cardinal. To take charge of the penitential office and of dispensa-

* Under Alexander III the Consistories took place daily, under Innocent III three times a week.

† The chief reason for the decline of the *Iudices palatini* were the efforts of Church reform to have only priests or ecclesiastics of higher orders as incumbents of high ecclesiastical offices, and, furthermore, the endeavor to oppose the evils of nepotism and simony among officials of the Curia. For these reasons the palatine judges were no longer appointed to higher offices, as they were frequently married, and in all cases only in minor orders. In a subordinate position a few of their early offices were, however, continued until the end of the thirteenth century (of a *Primicerius notariorum* there is record as late as 1297).

§ The history of this and of other offices will be dealt with in chapters on the various offices of the Roman Curia.

tions, there was created, in the eleventh or twelfth century, the College of Apostolic Penitentiaries, the supreme control of which was assumed toward the end of the thirteenth century by the Cardinal Grand Penitentiary (*Poenitentiarius maior*). As a part of the Apostolic Chancery there was established, in the middle of the thirteenth century, a special office for matters of favor, the *Communis data,* out of which evolved, in the fourteenth century, the great institution of the Apostolic Datary, for the expedition of dispensations asked *pro foro externo.*

Eventually, when the number of litigations submitted to Rome steadily increased and became more difficult to deal with, the ordinary papal Consistories were no longer able to properly attend to them. For this reason, probably Innocent IV (1243-1254) first appointed papal chaplains to be special auditors or referees (*Auditores generales*), and they were later, probably under Clement V (1305-1314), formed into the college of the *Sacra Rota Romana.*

Thus the Roman Curia had, at the end of our second epoch, developed into a composite organism, applying in a marked degree the principle of division of labor.

III. Epoch, 1316-1587.—During the third epoch, inaugurated by the reign of Pope John XXII (1316-1334), the establishment of new offices, by reapportionment of existing ones, progressed. With the inception of papal Briefs, in the fourteenth century, there was formed the Secretariate of Briefs, as a branch of the Apostolic Chancery.

Further, there came into existence the *Signatura iustitiae* and the *Signatura gratiae,* for examining petitions seeking justice or favors from the Pope, and for deciding whether the petitions in question should be submitted to the papal offices of the *Rota* or the Apostolic Datary, or should be rejected.

Far more important, however, is another characteristic mark of this epoch, namely the fact that, particularly with the pontificate of John XXII, there began to be promulgated a large number of rules and regulations, prescribing to the minutest detail the organization and business routine of the various offices of the Curia (the Apostolic Chancery, Chamber, Penitentiary, *Rota,* etc.). These ordinations and *regulae,* which may be compared to our own constitutional laws and ordinances, were, of course, of the greatest moment for the interior development of the Curia. Besides John XXII there are also Martin V, Eugene IV, Sixtus IV, and Innocent VIII deserving of credit for their efforts to bring about a scrupulous order of procedure. In another direction, however, the condition of the Roman Curia left much to be desired, especially toward the close of the Middle Ages. In consequence of the innumerable grants of benefices, business affairs soon reached proportions that defied any attempt at control. It became impossible to keep any kind of supervision over the thousands of persons and offices that came under the disposition of the Pope's signature, and which for the most part were actually disposed of by the

Pope personally. It was just as impossible to assume personal responsibility for the merit of all these dispositions. While the Roman Curia attracted many talented men, there flocked to Rome also, on the other hand, a vast crowd of self-seeking stipend hunters, who, for their services to the Curia, managed to get themselves remunerated by as large a number of benefices at home as possible. It may be imagined what sources of contention and animosity were thereby opened among the clergy, when those of them who had found the way to Rome appropriated the best revenue-yielding benefices, though giving no special proofs of their taste for the work and the duties of the priesthood, while their brethren in office, who had remained at home, beheld themselves defrauded of their rightful claims, and were often compelled to lead an existence of poverty and want.

Closer to the pontifical throne there took root, especially under Sixtus IV (1471-1484), the unsavory evil of nepotism. "The complete gratification of the numberless claims of relatives could be accomplished only through questionable financial transactions (the barter of offices at the disposal of the Curia), which poisoned the papal administration to its very marrow, and gave money access even to the holy of holies; thus the source of this deplorable aberration, which for a time became more and more infectious, is to be sought in the reign of Sixtus IV, who by his extraordinary gifts and his ascetic training should have

been prompted to oppose himself forcibly to this fast-spreading evil."*

In spite, then, of the outward splendor which the international character of the Roman Curia still displayed, the moral tone of the higher Roman offices had reached a very low degree; the curials in and out of Rome came into ill repute, and their name was often enough applied in ridicule.

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*Ludwig Pastor, "History of the Popes from the Close of the Middle Ages."

CHAPTER III

FROM SIXTUS V (1587) TO THE PRESENT TIME

The far-reaching and lasting influence exerted by the Council of Trent for the perfection of our holy Church is well known. First and foremost the inner spirit of the papacy and of the ecclesiastical administration became a different and better one. At least indirectly, this council contributed also to the external reorganization of the highest ecclesiastical administration. In order to lastingly insure for the Church the fruits of the great reform, Sixtus V instituted by his Bull: *Immensa aeterni Dei,* of January 22, 1587, as many as fifteen Congregations of Cardinals, to which were intrusted, as their chief task, the supervision and application of the Tridentine reform measures.

The center of the papal government of the Roman and universal Church was henceforth found in the various Congregations of Cardinals, to which the business of the older Consistories was now transferred, so that the latter lost a considerable part of their importance. Similarly declined also the influence of the *Sacra Rota Romana,* a large share of the judicature having been assumed by these Congregations. Since, therefore, the founding of the Roman Congregations was of such acute and authoritative influence for the further progress of the Roman Curia, there properly begins with Sixtus V a new and important era, important

also for the gratifying fact that it contributed greatly to the renovation and betterment of Church discipline.

The institution of the great Sixtus V having proved itself in after-years thoroughly serviceable and productive of great good, his successors built further upon the same foundation, and numerous other Congregations were created, some of them permanent, others only temporary. From the time of Sixtus V no pontificate of any length was allowed to pass without having devoted a great deal of concern and care to that important institution, the Roman Congregations.

In the first edition of this work, which appeared a year ago, we emphasized the fact that the question of competence of the various Congregations, in their relation to one another, was greatly in need of revision and adjustment. Such adjustment has since then actually taken place by the Apostolic Constitution of Pius X, given under date of June 29, 1908, the full text of which, in English translation, will be found on page 349 of this work.

A subdivision of this third great era, the one in which we are living, will by future historians of the Roman Curia probably be begun with the year 1870. Through the abolition of the papal state some offices of the Curia have become unnecessary; retrenchment, because of a lack of funds, was made imperative in others. On the other hand, there were created by Leo XIII, for purely ecclesiastical purposes, some organizations of a different form, the so-called Commissions of Cardinals, and these are of special significance for the welfare of the Church in our times.

The Apostolic Constitution of June 29, 1908, finally, makes a beginning with the codification of the ecclesiastical laws by organizing the Roman Curia in conformance with present conditions and requirements.

PART II

The Constitution of the Roman Curia

CHAPTER I

THE NAME CURIA AND ITS MEANING

AFTER the fashion of the old Roman law which designated spiritual as well as secular tribunals as *Curiae,* the supreme administrative body of the Roman Church assumed the name *Curia Romana,* a designation met with for the first time in the *Ordines Romani* of the tenth century.* We understand by the term *Roman Curia,* the organic complex of the supreme administrative bodies of which the Pope makes use: (1) for the guidance of the universal Church, (2) for the government of the Episcopal See of Rome, and (3) for the government of the Papal States (until the year 1870).

The name Roman Curia is used occasionally in a general and again in a particular sense. In the first case the designation includes all papal offices, even those of the papal household (the *Famiglia pontificia*); in the particular sense the name refers only to those papal offices and tribunals to which is intrusted the exercise of ecclesi-

* MABILLON, *Museum Italicum,* II, 97.

astical jurisdiction, in the legislative, judiciary and administrative branches.

True to the aim of our present work we shall occupy ourselves chiefly with the Roman Curia in its particular sense, namely, with the tribunals of jurisdiction which have for their province the universal Church.

Literature: Joh. Baptista de Luca, *Relatio Curiae Romanae forensis eiusque Tribunalium et Congregationum.* Coloniae Agripp. 1685. (Considered the best work.) Michael Lega, *Praelectiones in textum iuris canonici de iudiciis ecclesiastices,* Tom. II. *De ordinatione Curiae Romanae.* Romae 1898. J. H. Bangen, *Die römische Kurie, ihre gegenwärtige Zusammensetzung und ihr Geschäftsgang.* Münster 1854. M. Bouix, *Tractatus de Curia Romana.* 1859. F. Grimaldi, *Les Congrégations Romaines. Guide historique et pratique.* Sienne 1890. (Placed on the Index.) Goyau, Pératé, Fabre, *Le Vatican. Le Gouvernement de l'église.* Fortunato Russo, *La Curia Romana nella sua organizzazione e nel suo funzionamento.* Palermo 1903. Gaetano Moroni, *Dizionario di erudizione storico-ecclesiastica;* also standard works on Canon Law, etc.

CHAPTER II

THE OFFICIALS OF THE CURIA

General Classification.—The entire staff of the officials composing the Roman Curia may, after the manner of *de Luca,** be classed into certain groups, enumerated here in their ranking order:

I. Cardinals.

II. Prelates.

III. Officials, not invested with the prelacy (Curials)

1. Advocates.
2. Procurators.
3. Notaries.
4. Solicitors and expeditors.
5. Agents.

Literature: The official *Gerarchia cattolica,* issued annually from the Vatican press, contains a complete list of all officials of the Roman Curia. The issues from 1860-1870 appeared under the title *Annuario pontificio.* Older issues, since 1716, are still quoted by the name of Cracas, the first compiler.

* *Rel. Cur. Rom. for. disc.* I. n. II.

1. The Cardinals of the Holy Roman Church

Name and Origin.—In the earliest times the name cardinal meant any priest permanently stationed anywhere at a principal church (the *cardo*). Gradually the use of the title was restricted to the Church in Rome, the *cardo* κατ' ἐξοχήν. Yet not all priests stationed at Rome had the title of cardinal, but only the rectors or superiors of churches, so that *cardinalis* had also the meaning of *principalis*. According to this restriction there have now the title and dignity of cardinals, (1) the incumbents of the oldest Roman parish churches (or quasi-parish churches), styled the *Cardinales presbyteri;* (2) the incumbents of the old Roman deaconries of the poor, the *Cardinales diaconi,* and, (3) the incumbents of the so-called suburbicary episcopal Sees, the *Cardinales episcopi.* All three classes were formerly obliged to perform the liturgical service at the five papal churches, *S. Giovanni in Laterano, S. Pietro, S. Paolo, S. Maria Maggiore* and *S. Lorenzo fuori le mura,* and owe probably to this activity their designation as cardinals

Classes and Number.—The old established classes of cardinal-bishops, -priests, and -deacons are closely associated with the history of the College of Cardinals, dealt with in the previous chapters. The ranks of cardinal-subdeacons, cardinal-acolytes and cardinal-clerics, formerly existing, have disappeared since the time of Honorius II (1124-1130). The number of cardinal-bishops was seven during the time from the eighth to the twelfth centuries; it was

then reduced to six; of incumbents of the title* of cardinal-priests there were, since Calixtus II (1119-1124) had added three to their number, a total of twenty-eight; of cardinal-deacons there were eighteen since the pontificate of Adrian I (772-795).

The aggregate of all three classes of cardinals during the Middle Ages was, therefore, fifty-three (fifty-two respectively). Since the twelfth century some cardinal titles often remained vacant; in the year 1331, for instance, there were only twenty cardinals. Subsequently the reform councils of Constance and Basle reduced the number of cardinal appointments to twenty-four, but Leo X again increased them, and Paul IV, in the year 1555, fixed the number of cardinals at forty. After that, Gregory XIII increased the number of cardinal titles to seventy-six, which number Sixtus V, by his Bull *Postquam verus,* of December 3, 1586, finally reduced to seventy, after the prototype of the seventy elders of Moses. Of this number there are six cardinal-bishops, fifty cardinal-priests and fourteen cardinal-deacons. The number of cardinalate churches is somewhat greater, according to the latest edition of the *Gerarchia cattolica* their list is as follows:

Suburbicary Bishop Sees: 1. *Ostia and Velletri,* 2. *Porto and St. Rufina,* 3. *Albano,* 4. *Frascati,* 5. *Palestrina,* 6. *Sabina.*

* Grisar, in his "History of Rome and the Popes in the Middle Ages," discusses the reasons for the great age of the twenty-five title churches of the cardinal-priests. The origin of the name *titulus* has never been explained.

Churches of the title of cardinal-priest: 1. *S. Lorenzo in Lucina*, 2. *S. Agnese fuori le mura*, 3. *S. Agostino*, 4. *S. Anastasia*, 5. *Ss. Andrea e Gregorio al Monte Celio*, 6. *Ss. XII Apostoli*, 7. *S. Balbina*, 8. *S. Bartolomeo all'Isola*, 9. *S. Bernardo alle Terme*, 10. *Ss. Bonifacio ed Alessio*, 11. *S. Calisto*, 12. *S. Cecilia*, 13. *S. Clemente*, 14. *S. Crisogono*, 15. *S. Croce in Gerusalemme*, 16. *S. Eusebio*, 17. *S. Giovanni a Porta Latina*, 18. *Ss. Giovanni e Paolo*, 19. *S. Girolamo degli Schiavoni*, 20. *S. Lorenzo in Damaso*, 21. *S. Lorenzo in Panisperna*, 22. *Ss. Marcellino e Pietro*, 23. *S. Marcello*, 24. *S. Marco*, 25. *S. Maria degli Angeli*, 26. *S. Maria della Pace*, 27. *S. Maria della Vittoria*, 28. *S. Maria del Popolo*, 29. *S. Maria in Aracoeli*, 30. *S. Maria Traspontina*, 31. *S. Maria in Trastevere*, 32. *S. Maria in Via*, 33. *S. Maria sopra Minerva*, 34. *S. Maria Nuova e S. Francesca Romana*, 35. *Ss. Nereo ed Achilleo*, 36. *S. Onofrio*, 37. *S. Pancrazio*, 38. *S. Pietro in Montorio*, 39. *S. Pietro in Vincoli*, 40. *S. Prassede*, 41. *S. Prisca*, 42. *S. Pudenziana*, 43. *Ss. Quattro Coronati*, 44. *Ss. Quirico e Giulitta*, 45. *S. Sabina*, 46. *Ss. Silvestro e Martino ai Monti*, 47. *S. Silvestro in Capite*, 48. *S. Sisto*, 49. *S. Stefano al Monte Celio*, 50. *S. Susanna*, 51. *S. Tommaso in Parione*, 52. *Ssma Trinita al Monte Pincio*, 53. *Ss. Vitale, Gervasio e Protasio.*

Churches of cardinal-deacons: 1. *S. Maria in Via Lata*, 2. *S. Adriano al Foro Romano*, 3. *S. Agata alla Suburra*, 4. *S. Angelo in Pescheria*, 5. *S. Cesareo in Palatio*, 6. *Ss. Cosma e Damiano*, 7. *S. Eustachio*, 8. *S. Giorgio in Velabro*, 9. *S. Maria ad Martyres* (*Pantheon*), 10. *S. Maria*

*della Scala,** 11. *S. Maria in Aquiro,* 12. *S. Maria in Cosmedin,** 13. *S. Maria in Domnica,* 14. *S. Maria in Portico,* 15. *S. Nicola in Carcere,* 16. *Ss. Vito, Modesto e Crescenzia.*

The Ascendency of the Cardinalate Office.—For the first ten centuries cardinal-priests and -deacons were merely the administrators of their churches and deaconries. They had in the administration of the Roman and universal Church no influence further than that which they, as members of the Roman Presbytery, exerted at the Synods. There could as yet be no question of a leading influence of a College of Cardinals as such. When, however, Nicholas II (1059) and Alexander III (1179) gave to the cardinals the exclusive right of papal election, and when, about the same time, the General Synods were superseded by papal Consistories, their authority and influence made rapid strides. In single instances cardinals were soon placed at the head of influential offices in the Apostolic Chancery and Chamber. Nevertheless, even as recent as in the year 1150, cardinal-priests, without episcopal orders, ranked below any bishop. Only a hundred years later, however, even archbishops and primates, and since the fourteenth century even patriarchs, ranked under cardinals.

Since the twelfth century there were also bishops in other

* The two Deaconries, *S. Maria della Scala* and *S. Maria in Cosmedin,* are at present titular churches of cardinal-priests. Their elevation in rank is probably of only temporal significance. The former Deaconry, *Ss. Bonifacio ed Alessio,* was by Sixtus V elevated permanently to the title of Cardinal Presbytery.

parts of the world (so in 1165 Archbishop Conrad of Mayence) admitted as cardinal-priests and -deacons to the august senate of the Catholic Church, an innovation which materially increased the esteem in which the cardinalate office was held.

Title, Insignia, Rank and Revenues.—Conformably to their high position in the ecclesiastical hierarchy, ranking first after the Pope, the cardinals are invested with many great privileges, intended to give outward manifestation of their high position. They possess, since the time of Urban VIII (1630), the title of *Eminentissimus,* additional to that of *Reverendissimus.* In addressing them, verbally or in writing, the titles are applied in the form: *Eminentissime et Reverendissime Domine, Eminentia Vestra Reverendissima.* As the cardinals are likewise princes of the Holy Roman Church, the title *Princeps* may also be adduced; as for instance, *Eminentissime Princeps S. R. E. Cardinalis.* In petitions to the Congregations the figure *Eminentissimi Patres* is quite customary.

On account of their garb the cardinals are frequently designated as wearers of the purple. Pope Innocent IV granted them the red hat in 1245, and Boniface VIII, or more probably Paul II, the red biretta, the red mantle and the red *zuchetto* or skull cap.* Since the reign of Gregory XIV (1591) the three insignia of red hat, biretta and *zuchetto* are worn also by cardinals belonging to religious

* The purple was originally the garb of the Pope, from whom it descended to the papal *Legati a latere,* and later to the cardinals.

orders, who in their other apparel retain the color of their order's garb. All cardinals, even those not in episcopal orders, wear the cardinal's ring of gold, and on solemn occasions of divine service a mitre of damask silk. By a recent *Motu proprio* (May 24, 1905) there is granted to all cardinals the use of the pectoral cross in public and in private.

The grand regalia are worn by cardinals only at solemn ceremonies. They consist of a long red cassock with train, red collar, shoes and stockings of the same color. Over the cassock is worn a close-fitting rochet, and over that a red *mozetta* of the same material as the cassock. In Rome the cardinals, in deference to the Pope's presence, cover the rochet with the *mantelletta* and wear the *mozetta* over the same. The head-covering consists of a black hat lined with red. Upon arrival at the place of the ceremony, or at the Consistoral Hall in the Vatican Palace, the cardinals lay aside hat, *mantelletta* and *mozetta,* and invest themselves with the solemn *cappa magna* and the biretta. At solemn processions they wear the mitre in place of the biretta.

The ordinary garb of the cardinals differs greatly from the magnificence of their *gala* apparel. It consists of the *zimarra* (black cassock with double sleeves and *pelerine*) with red buttons and buttonholes sewn with red. The *zingulum*, hose and *ferraiolone* (large loose wrap) are of red, the hat is black, trimmed with cords of red and gold.

During the seasons of Advent and Lent, as also during a vacancy of the Apostolic See, the cardinals' dress, in mani-

festation of penitence and mourning, is in violet color with the exception of collar, biretta and *zuchetto*.

The cardinals take precedence, directly after the Pope, over all other ecclesiastical dignitaries; as princes of the Roman Church they rank directly after the reigning prince.

The cardinals residing in Rome draw, since the time of Paul II (1464-1471), a minimum competence of at least 4000 scudi (about $4000) per year, paid to them monthly by the Holy See (the *Piatto cardinalizio*). From this is deducted, however, any revenue which a cardinal may draw from benefices. To the above-named sum are added the proceeds from the *massa communis*, a common fund of the College of Cardinals, created by revenues from real estate and consistorial fees. The guardian of this fund is the chamberlain of the College of Cardinals, who pays annually to the resident members sums equal to from $250 to $300, the so-called *Rotulus cardinalitius*. The cardinals receive, finally, about $100 annually from the papal funds as indemnification for postage, since in 1870 their franking privileges were abrogated.

In consideration of the considerable expenses incurred in the representation of their position and in customary alms, the income of cardinals must be deemed slender rather than ample; it amounts to about $4000-$4500 annually. The large fees and expenditures entailed upon cardinals at their creation are out of all proportion to the revenues of the office.

Materially better situated than most of their brethren in

office are those cardinals who are furnished with official quarters, as the three arch-priests of *St. Peter, S. Maria Maggiore* and the *Lateran,* furthermore the Cardinal Secretary of State, the Vice-chancellor, Prodatary and the Prefect of the Propaganda.

NOMINATION.—Unto the present day the cardinals style themselves *creatures* of the Pope, to whom belongs the exclusive right of nomination. The nomination takes place at a secret Consistory in which the Pope, after putting to the cardinals the formal question: *Quid vobis videtur?* solemnly promulgates the nomination in this manner "Itaque auctoritate omnipotentis Dei, sanctorum Apostolorum Petri et Pauli, et Nostra, creamus et publicamus S. R. E. Presbyteros Cardinales N. N. N. N. cum dispensationibus, derogationibus et clausulis necessariis et opportunis. In nomine Patris ✠ et Filii ✠ et Spiritus ✠ Sancti. Amen."

Hereupon ensues, in a subsequent semi-public Consistory, quickly following the first, the conferring of the red biretta, *zuchetto* and hat, also the closing and opening of the mouth,* the bestowal of the cardinal's ring and the assignment of the title. These ceremonies, however, according to the declaration of Pius V, January 26, 1571, are not an essential element of the act of creation, so that cardinals

* The respective formulas read: "Claudimus vobis os, ut neque in Consistoriis neque in Congregationibus, aliisque functionibus cardinalitiis sententiam vestram dicere valeatis," and at the opening of the mouth: "Aperimus vobis os, ut in Consistoriis, Congregationibus et aliis functionibus cardinalitiis sententiam vestram dicere valeatis. In nomine Patris ✠ et Filii ✠ et Spiritus ✠ Sancti. Amen."

may exercise all their prerogatives as soon as their election has been promulgated. Previous to receiving the red hat in public Consistory, the new cardinals are obliged to take the prescribed cardinal's oath at the hands of the dean of cardinals, in the Sistine Chapel.

In regard to the creation of cardinals two procedures are distinguished: the usual one by promulgating the name as described above, and, the *Reservatio in pectore.* In employing the latter the Pope uses the formula: "Alios autem (here follows the number) in pectore reservamus arbitrio nostro quandoque declarandos." When subsequently the name of one reserved *in petto* is made public, the promulgation is retroactive, the seniority dating from the day of the *Reservatio in pectore.*

In the case of a prelate of extraordinary merit, who, for one reason or another, can not well be at once appointed to the Sacred College, he being needed, for instance, in an important mission as papal delegate, the singular course of the *Reservatio in pectore* is not infrequently made use of, so as to secure to him the seniority over subsequently created cardinals.

The Privileges and Obligations of the cardinals in the administration of the universal Church will be dealt with in other chapters.

2. The Prelates of the Roman Curia

Definition and Classes.—After the cardinals the prelates occupy first rank in the Roman Curia. The classes

of prelates comprise all clerical dignitaries holding prominent offices in the Congregations, papal tribunals and in the household of the Pope, also the ecclesiastics invested with the prelacy *honoris causa*, in reward of particular merits for the Church.

Whereas in earliest times the chief dignitaries of the Church were designated as *Proceres, Primates,* or *Primores,* the Roman Canonist Bonizo (about 1190) mentions *Praelati in clericali et laicali ordine.* (*Decret. 2,* 8.) In the records of papal decrees bishops and abbots are preferably called *Praelati;* it was, however, in the fourteenth century that this title was generally adopted for the prominent clerics of the Roman Church, the *Praelati Curiae.*

The Canon Law distinguishes prelates within and without the Roman Curia; the title prelate of itself being only meant to express the honorary precedence or pre-eminence befitting a priest of high standing in the ecclesiastical hierarchy, as distinguished from one of lesser rank. Distinction is made, furthermore, between actual and honorary prelates, according as title and pre-eminence are due to an exalted ecclesiastical office or not.

The actual prelates possess this dignity either by reason of incumbency of an episcopal See or episcopal orders (*Praelati maiores*), or by virtue of another office subordinate to episcopal authority but endowed with a *iurisdictio pro foro externo* (*Praelati minores*). The honorary prelacy is bestowed merely as a distinction, without corresponding office or orders.

PRELATES AT THE ROMAN CURIA.—Of actual prelates there are: The titular patriarchs, archbishops and bishops residing in Rome, the four so-called prelates *di fiocchetti* (the *Vice-camerlengo* of the Holy Roman Church, the auditor general and the treasurer of the Apostolic Chamber, and the *Maggiordomo* to his Holiness),* also the *Maestro di Camera* (chamberlain), the *Magister sacri palatii,* the secretaries of all Congregations of Cardinals, the assessor and commissary of the Congregation of the *Sanctum Officium,* the regent of the Apostolic Chancery, the regent of the Penitentiary, and the *Promotor fidei* at processes of Canonization. To the actual prelates are counted also the members of the following Colleges of Prelates: The seven actual apostolic protonotaries (*Protonotarii apostolici de numero participantium*), the nine (formerly twelve) auditors of the *Rota,* the voting prelates (*Praelati votantes*) and voting referees (*Referendarii votantes*) of the *Signatura iustitiae,* and the clerics (*Praelati clerici*) of the Apostolic Chamber.

Merely honorary prelates of the Curia are: The patriarchs, archbishops and bishops assisting at the papal throne, the almoner of his Holiness, the secretary of Briefs to princes, the substitute of the Secretary of State, the *subdatarius,* the secretary of Latin Briefs, the four private chamberlains of his Holiness, the abbreviators *de parco maiori,*

*The four prelates *di fiocchetti* obtain their name from the peculiar privilege of being allowed to decorate their horses with *fiocchetti* (tassels), now however out of use since 1870. The same privilege is accorded to patriarchs.

the masters of ceremonies of his Holiness, and his acting private chaplains. Although these prelates exercise certain official functions, they are, nevertheless, considered as only honorary prelates, because they possess no ecclesiastical jurisdiction. Without functions is the rest of the prelates, as: supernumerary apostolic protonotaries (*Protonotarii apostolici supranumerarii*),* apostolic protonotaries *ad instar participantium,* † supernumerary referees of the *Signatura iustitiae,* papal domestic prelates (who have the official title *Antistes urbanus*), supernumerary private chamberlains (*Camerieri segreti soprannumerari*), honorary chamberlains in violet garb (*abito paonazzo*), honorary chamberlains *extra urbem,* supernumerary masters of ceremonies, honorary private chaplains of his Holiness, and honorary private chaplains *extra urbem.*

Title and Insignia.—The title *Monsignore* is given to all prelates as distinctive from the *Signori* of non-prelates. In Italy the title *Monsignore* is extremely popular, and even used in addressing bishops and archbishops. In

* To the class of supernumerary apostolic protonotaries belong the canons of the three Roman patriarchal basilicas: the *Lateran, S. Maria Maggiore* and *St. Peter,* furthermore the dignitaries, or canons, of some prominent chapters outside of Rome, to whom this privilege was specially granted by the Holy See. Comp. *Motu propria: Inter Multiplices* of Pius X, on page 249.

† The fourth class of apostolic protonotaries, the *Protonotarii apostolici titulares seu honorarii,* are nominated not only by the Holy See, but also by apostolic nuncios, the College of actual Protonotaries, and others, who received this privilege from the Holy See. As *Praelati extra urbem* they do not belong to the papal Curia, and therefore are not referred to further in this work. See the *Motu Proprio* of February 21, 1905, on page 259.

the case of prelates from religious orders not of bishop's rank the title of monsignore is, however, omitted. The prelates wear the violet color as symbolical of their jurisdiction. In regard to other honorary titles, all patriarchs are privileged to have the title *Excellentia Reverendissima* (*S. Cong. Caeremon.,* June 3, 1893), which appellation is also due to the prelates *di fiocchetti.* Archbishops, bishops and higher prelates of the Curia (e. g., the *Maestro di Camera,* the secretaries of Congregations) are addressed *Illustrissimus et Reverendissimus,* the remaining prelates as *Reverendissimus.* The deferential *Amplitudo* is used only in the instances of bishops and higher ranks of the hierarchy. The title prelate is not used in addressing conversation nor in correspondence.

In their violet apparel there is made some distinction between the various grades of the prelacy, expressed by a more or less extensive use of this color. The prominent dignity of archbishops and bishops is made conspicuous by certain *insignia reservata,* namely: Violet biretta and skullcap (papal Brief of February 3, 1888), green hat cords, pectoral cross and signet ring. The latter two may be worn by bishops at all times, while they are allowed to apostolic protonotaries only at the celebration of solemn Mass *in pontificalibus.* With this exception and other minor variations the garb of the prelates is uniform for all grades.* It consists of a violet cassock for solemn dress.

*In Rome they distinguish: 1. The *habitus praelatitius,* for solemn occasions of divine worship; 2. the *habitus pianus,* named after

and a black cassock with red buttons and buttonholes trimmed with red for ordinary wear, violet *zingulum, ferraiolone* (loose wrap) of the same color, and red (not red and gold) hat cords. In addition, the prelates wear violet collar, violet hose and gloves, and shoes ornamented with silver buckles. When taking part in solemn Church services they appear clad in rochet and violet *manteletta.*

The apostolic protonotaries *ad instar,** and also domestic prelates if they belong to a college of prelates, are outside of Rome entitled to the use of pontificals at solemn Mass and Vespers.† but they wear only a simple mitre of white silk, and not the crozier; nor are those not of the rank of protonotaries allowed the pectoral cross and episcopal ring. Simple domestic prelates (*Antistites urbani*) not belonging to a college of prelates, must refrain from using pontificals. (Martinucci. *Manuale sacrarum caeremoniarum,* tom. VIII, p. 173.) It has been customary for them, nevertheless, to use the Canon book and the bishop's candlestick at solemn Mass.§

Pius IX, who ordained it for papal audiences and other solemn functions; 3. the *habitus communis,* for street wear.

* The privileges of the apostolic protonotaries *ad instar,* restricted by Pius IX in the Bull *Apostolic Sedis* of August 29, 1872, have again been extended by Pius X through the decree of the *S. C. Rituum* of March 9, 1904. They have recently been revised in the important *Motu proprio: Inter Multiplices* of February 21, 1905.

† The exercise of this right must have the sanction of the diocesan bishop.

§ Recently Pius X has, in the *Motu proprio* of February 21, 1905, concerning the apostolic protonotaries, expressly permitted to the domestic prelates the use of the *Palmatoria* (not, however, the Canon book). (See page 249.)

Lesser prelates of the Curia and private papal chamberlains are not privileged to wear the prelate's dress as above described. They may wear the violet cassock and the large violet mantle at solemn Church services and other festival occasions, but otherwise the only mark of their official rank is the violet collar and a narrow violet *zingulum* (outside of Rome also violet hose and violet hat cord). For ordinary dress they wear a black cassock with violet buttons and buttonholes trimmed in violet, also black *zingulum* with violet fringe. At solemn papal functions in Rome, the private papal chamberlains are allowed the use of a large red mantel, the so-called *crocea*. (Compare Martinucci's *Instructio,* October 5, 1877.)

NOMINATION.—In conferring the honorary prelacy the strict rule is adhered to in Rome that this dignity shall only be bestowed upon the application, or at least the recommendation, of the episcopal ordinary to whom the candidate for the honor is subordinated. By means of this wise precaution not only are unworthy candidates prevented from attaining the honor, but at the same time any possible friction between bishop and clergy, on account of the latter's promotion to the prelacy, is excluded. Domestic prelates and apostolic protonotaries *ad instar* are nominated by papal Briefs, and they retain the rank for life; supernumerary private chamberlains receive their nomination through appointment by the papal *Maggiordomo,* but the distinction ceases with the Pontiff's death. The

suspensio a divinis by the diocesan ordinary entails the loss of the prelacy of all grades. (Decree of Pius VIII, 1814.)

Alexander VII prescribed, in the constitution *Inter cetera* of 1659, a set of strict requirements for admission to the career of the prelature by right. Among them are, a five years' course in jurisprudence and doctor's degree in both laws, two years' probation at a spiritual tribunal, a yearly income of at least 1500 scudi; examination before the *Signatura iustitiae,* all of which requirements are still in force at the present day. A candidate complying in all these matters receives the *Praelatura iustitiae;* has he, however, been dispensed from any of these requirements by the Pope, he is given the *Praelatura gratiae.* For the training of future prelates, Benedict XIV founded the *Accademia dei nobili ecclesiastici,* which still exists to-day and particularly serves as a novitiate for the papal *corps diplomatique.**

3. Other Officials of the Curia
(Curials in the particular sense of this term)

The officials of the Roman Curia ranking next to cardinals and prelates are called Curials in the particular sense; they may be classified under this name, although their official positions and functions are considerably divergent.

1. The Advocates of the Roman Curia take first place, and their office is held to the present day as *munus nobile et publicum.* Both Roman and Canon Law distinguish

*Compare: Aloysius Trombetta, *De iuribus et privilegiis praelatorum Romanae Curiae* (1906).

since the earliest times between advocates and procurators, both acting as assistants of contesting parties, and they assign to the former the task of delivering judicial opinions in law suits, similar to the function of the *Iurisperiti* of ancient Rome.

According to present usage the advocate's brief is composed of three parts: 1. The *Summarium,* namely an outline of the entire course of litigation; 2. the *Restrictus facti,* the argument based on the facts in the case; 3. the *Restrictus iuris,* the argument based on the law. Since procedure by brief is prescribed at the Roman court, advocates make no verbal addresses except at processes of canonization. As a slight compensation for the deprivation of oral pleading, advocates are allowed a private interview with the cardinals (*giro dei Cardinali*) immediately before plenary meetings of the *S. Congr. Concilii.*

The advocates functionate either at the behest of contesting factions or *ex officio.* The latter is the case in the instances of the *Promoter fidei* at canonizations, and of the *Defensor matrimonii* in marriage processes.

The most eminent class of advocates are the consistorial advocates who trace their origin to the ancient *Defensores regionarii.* Since Sixtus IV, in 1471, increased their number from seven to twelve, the college of consistorial advocates consists of seven *Advocati consistoriales numerarii seu participantes,* and five *Advocati supranumerarii seu nonparticipantes.* The former possess to this day the exclusive privileges: 1. To postulate the pallium for arch-

bishops; 2. to make addresses at processes of canonization and beatification; 3. to confer the academical degree in both laws at the Roman University (*Sapienza*).

In preparation for the office of advocate there is required a course of several years in jurisprudence, with doctor's degree in both laws, and at least a two year's practical qualification at the Curia. Admission to the advocateship is then obtained by special examination.

Literature: Ottavio Pio Conti, *Origine, fasti e privilegi degli avvocati Consistorali.* Roma 1898.

2. The Procurators are the real *Patroni causarum,* the representatives of factions before the tribunals, who, for the contestants, undertake the filing of complaints, summoning of defendants, settling technical points of dispute, etc. Hence it is obvious that their duties presuppose, besides sufficient legal knowledge, also a practical training and considerable skill and business ability.

The procurators originally composed their number of three classes: 1. The *Procuratores collegiales,* belonging to the *Collegium procuratorum sacri palatii apostolici.* Paul V, in 1613, reduced their number to twenty-four, of which, however, at the present day there remain only six. They possess the exclusive right of the *Procura* in processes of canonization and beatification, and, acting in college, can appoint other procurators and notaries. 2. Ordinary procurators, not members of the college. 3. Procurators of the *Rota;* these have ceased to exist since 1870.

Although the offices of advocate and procurator are in

principle separated, nevertheless there is by present usage allowed, in lesser actions, a cumulative exercise of the functions of both offices. Recently the *S. Congr. Rituum,* by decree of May 12, 1897, has forbidden any such cumulation in certain actions of processes of canonization and beatification.

3. The Notaries of the Roman Curia are either compilers of records of law (actuaries, etc.), or notaries public, who upon request draw up wills, resignations, cessations, testimonials and other documents.

4. The Solicitors and Expeditors.—By solicitors are understood assistants to the procurators, who attend to minor functions, such as collecting and delivering legal papers, doing errands, etc. As appointed officials, the solicitors are almost extinct now, their duties being unofficially performed by young men desirous of learning the business of procurator. There still exists, however, the College of Apostolic Expeditors, who by special grant look after the expedition of decrees of favor (dispensations, benefices, etc.) at the Datary and the Apostolic Chancery. Under date of September 16, 1897, Leo XIII approved a new regulation of service for the expeditors, which sets forth in detail their privileges and duties.

5. The Agents can not be numbered among the real officials of the Curia, as they neither possess official appointment, nor are they officially recognized by the Curia. They are acting either for private individuals, or, more frequently, as confidential negotiators for bishops, and in

the latter case they enjoy a certain standing with the Roman authorities, so much more as not infrequently domestic prelates and apostolic protonotaries *ad instar* take upon themselves the functions of agents. Their activity includes the submitting of petitions and the receiving of grants, together with the paying of curial taxes. Since many of the agents, in consequence of their many years' experience, possess a very thorough knowledge of affairs and procedures, they can greatly contribute to a prompt decision in the case of petitions.

CHAPTER III

THE DEPARTMENTS OF THE ROMAN CURIA*

INTRODUCTION.—The curial administration is composed of three chief bodies, which differ in regard to origin, age and functions. In first place must be mentioned:

1. THE CONSISTORY, and the CONGREGATIONS OF CARDINALS. The first named is a continuation of the early Synods, and as such the chief organ of the universal and supreme government of the Church, although since the year 1587 its principal functions have been transferred to the Congregations of Cardinals.

The scope of activity of the Congregations is threefold, comprising ecclesiastical legislation, judicature and administration.

2. THE OFFICIA of the Roman Curia, which, existing from the earliest times and enlarged in the course of years, take charge of the decrees and rescripts of the Holy See. The functions of these offices include also the affairs of the Chancery, and the granting of benefices and dispensations at the Roman Curia; the importance of this branch

* This chapter is taken over from the first edition of this work for its important historical information. For the changes made since then in the Curia, see page 349.

is, however, considerably smaller than what it formerly was. Finally we have—

3. The Tribunals, the former courts of justice of the Roman Curia, which toward the close of the Middle Ages branched off from the Consistory and assumed supreme administration of ecclesiastical jurisdiction. With the ascendency of the Congregations, likewise exercising the right of judicature, the influence of these tribunals was greatly lessened, and, now, since the loss of the papal states and the consequent discontinuance of temporal judicature, it has entirely disappeared, and the tribunals exist now in name only.

1. The Consistory and the College of Cardinals

The Papal Consistory

Its Significance, Past and Present.—The Consistory, i. e., the assemblage of cardinals present in Rome, presided over by the Pope, served formerly for the deciding of all *causae arduae et maiores,* among which, until the establishment of the *Rota,* suits and litigations formed an important part. In the Middle Ages, in their most propitious times, Consistories were held daily, or at least several times a week, in the palace of the Pope. Since, however, Sixtus V, in 1587, established the Congregations, the Consistory became merely a solemn ceremonial act, continued in order to place vividly before the gaze of the present generation a picture of the life of the Curia in the past. Matters that were formerly discussed and decided in the Consistories are now deliberated elsewhere, and receive through the Consistory only their solemn promulgation or enactment.

Categories of Consistories and their Work.—We distinguish according to the present *stilus curiae,* 1. Public Consistories, at which, besides Pope and cardinals, also bishops, prelates, diplomatic representatives, the Roman aristocracy, etc, may take part; 2, Secret Consistories, at which only the Pope and the cardinals participate. At these the Pope enacts (a) the nomination of cardinals, of vice-

chancellor and of chamberlains of the Holy Roman Church; (b) the appointment to patriarchate and episcopal Sees, and the so-called Consistorial Sees of abbots;* (c) the establishment, division and consolidation of patriarchies, archiepiscopal and episcopal Sees.

Finally, the Pope frequently delivers at secret Consistories important allocutions on conditions of the times in their ecclesiastical and ecclesiastical-political aspect. Of less importance are public Consistories; at these the Pope bestows the cardinal's hat upon newly created cardinals, and consistorial advocates deliver addresses upon *causae beatificationis seu canonizationis.*

In addition to public and secret Consistories there are, 3, Semi-Public Consistories, such as precede the solemn canonization of the blessed. At semi-public Consistories there may take part the patriarchs, archbishops and bishops present at the Curia, and these cast their votes in favor of the canonization of the blessed in this form: "Placet ob rationes a me in voto scripto et subscripto allatas." (Compare *Consistorium semipublicum* of December 5, 1904, on the Canonization of Blessed Alexander Sauli and Blessed Gerard Majella.)

The Solemn Preliminaries.—The Pope having set and announced day and hour for the Consistory, the cardinals in solemn fashion make their appearance in the Consistorial Hall of the Vatican Palace. The Pope takes his position

* If the nomination has already been made by papal Brief, there is in the Consistory only performed the publication of the nomination.

on the throne placed against the center of the further wall and admits the cardinals to the kissing of the hand and to audience, the so-called *accessus.* Following this the business before the Consistory receives attention. If it is a secret Consistory there is first heard the warning: *Extra omnes,* and any prelates and lay persons that may be present leave the council chamber, the Pope and the cardinals alone remaining. It is a most impressive sight to witness the solemn gathering of the *Patres Eminentissimi* around the *Summus Pontifex* of the Catholic Church.

The Congregations of Cardinals

Origin and Purport.—The Consistory, requiring the participation of all cardinals for dealing with the most varied of subjects, proved itself in time an inexpedient and cumbersome apparatus for the ecclesiastical administration. The conditions naturally suggested the thought of dividing the Consistory into different branches, to each of which was appointed a certain number of cardinals as permanent members, and to each of which was assigned a certain line of business. The model for the distribution of the work was found in the provisional, temporary, Congregations as they had been established at different times theretofore for the performance of particular tasks. Paul III, in the year 1542, established the first permanent Congregation of Cardinals, the Office of the Inquisition, and thereby became the founder of the present Congregational constitution of the Roman Curia. Subsequently Sixtus V outlined the first

systematic plan for the establishment of a considerable number of Congregations of Cardinals, commissioned to take charge of the general administration of the highest ecclesiastical affairs. "Pontificium hoc onus," to quote the words of this Pope, "angelicis plane humeris formidandum inter Senatores orbis terrae, fratres nostros Cardinales, apta quadam distributione, pro temporum conditione, negotiorum multitudine et varietate ipsaque utilitatis ratione, salubriter partiri decrevimus." In the Bull *Immensa aeterni dei,* of January 22, 1587, most momentous for the constitution of the Curia, Sixtus V established altogether fifteen Congregations of Cardinals, of which number there were four taken over from his predecessors.* Some of these Congregations, among them those occupying themselves with the temporal affairs of the papal states, have disappeared

* On account of the great historical significance attaching to these earliest of Congregations, as established by Sixtus V, it is thought well to mention their names here in the order followed by the Pope himself: 1. *Congregatio prima, pro Sancta Inquisitione,* 2. *C. secunda, pro Signatura Gratiae,* 3. *C. tertia, pro erectione Ecclesiarum et provisionibus Consistorialibus,* 4 *C. quarta, pro ubertate Annonae Status Ecclesiastici,* 5. *C. quinta, pro Sacris Ritibus et Ceremoniis,* 6. *C. sexta, pro Classe paranda et servanda, ad Status Ecclesiastici defensionem,* 7. *C. septima, pro Indice librorum prohibitorum,* 8. *C. octava, pro executione et interpretatione Concilii Tridentini,* 9. *C. nona, pro Status Ecclesiastici gravaminibus sublevandis,* 10. *C. decima, pro universitate Studii Romani,* 11. *C. undecima, pro Consultationibus Regularium,* 12. *C. duodecima, pro Consultationibus Episcoporum et aliorum Praelatorum,* 13, *C. decimatertia, pro Viis, Pontibus, et Aquis curandis,* 14. *C. decimaquarta, pro Typographia Vaticana,* 15, *C. decimaquinta pro consultationibus negociorum Status Ecclesiastici.*

in the course of the following centuries; on the other hand, there were new Congregations created, so that the number of Congregations at the present time amounts to twenty. As accessories of the Congregations are to be considered the newer institutions, the so-called Commissions, distinguished from the Congregations chiefly by the only passing significance of their work and by the lesser form of their organization.

Organization.—With the exception of the *S. Congr. S. Officii* the exterior organization of all Congregations is the same. At the head of a Congregation stands its prefect, a position usually filled by a cardinal, but in some Congregations by the Pope himself. Members of the Congregations are exclusively the cardinals, appointed in a number optional to his Holiness. Cardinals residing away from Rome are also appointed on Congregations. Officers of the Congregations are the secretary and in many cases an undersecretary, who act in support of the prefect. Moreover, there are placed at the command of the more important Congregations a number of specialists known by the title of consultors. There are, of course, also the necessary clerical office forces.

Sessions.—For the transaction of business there are, 1. the weekly *Congresso,* at which the prefect, with secretary and undersecretary, decide in lesser affairs; 2. the monthly plenary assembly (*plena Congregatio*) of all the members, to discuss and settle important matters. In the case of very

weighty matters (*negotia graviora*), they must, after the plenary assembly, be laid before the Pope personally, at the *Audientia SSmi,* which takes place upon certain days every week.

Authority and Competency.—The question as to the legal competency of the Roman Congregations is a twofold one; it concerns, 1. the competency of the Congregations in relation to one another; 2. their competency in relation to the episcopal courts. In their relation to each other the competency of the Congregations is partly exclusive, partly cumulative or held in common as a particular case may come, in its various aspects, before the forum of only one or of several different Congregations. Unfortunately the instances of cumulative or shared competence preponderate, and they increase the difficulties of a well regulated administration. We may record here that already Innocent XII,* in 1692, forbade under pain of invalidity the sharp practice of submitting to a Congregation applications that had been rejected by another. This decree was renewed by Cement XIII, April 15, 1758.

Concerning the relation of the Congregations to the ordinary episcopal courts the principle is held that processes should in the first instance be brought before the episcopal courts. Only matters that according to Canon Law are immediately subject to the jurisdiction of the Holy See (such as criminal affairs of bishops), or which by the Pope "ex urgenti rationabilique causa atque per speciale rescriptum

*By his decree: *Ut occuratur.*

Signaturae Sanctitatis Suae manu propria subscribendum" are exempted from regular procedure, form an exception, (Concil. *Trid. Sess.* 24 c. 20. *de reform.*) and in such matters presentments may be made immediately to the Congregations.*

Collections of the Decrees of Congregations.—The most notable periodicals wherein the decrees of the Roman Congregations are made public are: 1. *Analecta juris pontificii,* changed in 1893 into *Analecta ecclesiastica;* 2. *Acta Sanctae Sedis,* since 1865, appointed in 1904 as the official organ of the Holy See; 3. *Nuntius Romanus,* since 1882; 4. *Il Monitore ecclesiastico,* since 1888; 5. *Rassegna giuridica ecclesiastica,* since 1903; 6. *Acta pontificia,* since 1903. There are also devoted to the publication and discussion of these decrees periodicals in the English, French and German languages.

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* Concerning the particular application of the regulations affecting competency, Sixtus V, in the Consistory of May 11, 1587, issued the following important prescripts: 1. "Ad iudiciorum vero confusionem evitandam, volumus ut unaquaeque Congregatio quando aliqua causa, quaestio, vel consultatio ad eam delata fuerit, diligenter perpendat an ad ipsam proprie eius causae cognitio et expeditio pertineat, et si ad se minime spectare cognoverit, eamdem ad iudices ordinarios vel ad propriam Congregationem remittat." 2. "Si autem inchoatum fuerit iudicium coram aliquo iudice, pars coram Congregatione conventa si renuerit in illam consentire et noluerit causam a Congregatione terminari, tunc ad iudicem competentem remittatur." 3. "Si coram aliquo iudice inchoatum fuerit iudicium et deinde partes concordes Congregationem adiverint, tunc Congregatio causam decidat et acta ad se transportari faciat." 4. "Si causa coram Congregatione coepta fuerit deinde aliquod emergens supervenerit, cum illa causa coepta verum etiam illud emergens a Congregatione expediatur."

We shall now proceed to review the various Congregations.

The *Sacra Congregatio Romanae et universalis Inquisitionis seu Sancti Officii*

Origin.—In order to centralize the *Inquisitio haereticae pravitatis,* that had been conducted since the thirteenth century exclusively by the Dominican Order, Paul III founded by the Bull *Licit ab initio,* of July 21, 1542, a supreme inquisitorial tribunal, consisting of six cardinals, which was further developed by his successors, Pius IV and Pius V, and subsequently embodied as *Congregatio prima* by Sixtus V into his newly established order of Congregations of Cardinals.

Organization.—The organization of the *S. Officium* is in its essentials modeled after the formerly existing tribunal of the Inquisition, although the new form of a Congregation made several changes necessary. The prefect of this Congregation is the Pope. As his Holiness, however, presides only at solemn assemblies, the chair at ordinary meetings is taken by the senior member under the official title of secretary, and he, too, assumes direction in the disposal of current business. Of the consultors appointed to this Congregation the *Assessor S. Officii* takes first place, filling, in a manner, the office of a Congregational secretary; he presides at meetings of the consultors and in the plenary assemblies of the Congregation he assumes the duties of a referee. The Cardinal Secretary

himself is referee only in important matters. In second place among the consultors must be named the *Commissarius S. Officii* (always a Dominican from the province of Lombardy), who conducts the process up to the final sentence. The remaining consultors are appointed *ad libitum* from the secular and regular clergy; there exists the rule, however, that the General of the Dominican Order, the *Magister sacri palatii* (who is also a religious of the Dominican Order), and, besides these, another member of the Dominican Order and a Franciscan of the Order of Friars Minor must be on the board of consultors, as *Consultores nati.* Special officers are also the *Primus Socius Commissarii* (a member of the Dominican Order), the *Advocatus* (*officialis*) *fiscalis* as public accuser (attorney general), and the *Advocatus reorum* as counsel *ex officio* for the accused. An additional staff of experts in theology and Canon Law are the *Qualificatores,* whose duty it is to examine and qualify theological tenets and opinions that have been submitted. In their report they characterize the particular tenet or opinion under consideration as *opinio haeretica, erronea, temeraria, falsa, iniuriosa, calumniosa, scandalosa, piis auribus offensiva,* etc., as the case may be. All officials, including the office staff, must upon appointment take the *iuramentum de fidelitate et silentio,* and they are bound to observe the strictest secrecy, the *secretum S. Officii.* A violation of this secrecy is punished by the *Excommunicatio latae sententiae* from which absolution is reserved to the Pope, *praeterquam in articulo mortis.*

The official building of the *S. Officium* is situated 5 *Via del Sant'Uffizio,* in the vicinity of St. Peter's; the *Assessor* and the *Commissarius S. Officii* are housed there.

Scope of Labors.—As court of jurisdiction the *S. Officium* proceeds, 1. against delicts of heresy, schism, apostacy, witchcraft, fortune-telling, blaspheming, and other products of unbelief and superstition; 2. against special misuses of the holy Sacraments (as baptizing of the dead, superstitious misuse of the Holy Eucharist, celebration of Mass by a non-priest, hearing of confession by a lay person, solicitation *in re turpi* in confession, bigamy, etc.); 3. against incestuous relations, and sacrilegious intercourse with nuns. Moreover, the *S. Officium* examines and condemns heretical books, although this work is generally done by the Congregation of the Index. The latter must place upon the Index all books condemned by the *S. Officium* without further examination. Finally, marriage processes may for particular reasons be assigned by the Pope to the *S. Officium.*

As administrative body the *S. Officium* can grant dispensations, 1. from the prohibitive impediment to marriage of difference in religion, and from the diriment impediment to marriage of difference in creed (union of a Catholic with an unbaptized person); 2. from the solemn vows of religious orders, in certain instances from the vow of celibacy in the case of deacons and subdeacons; 3. from the laws of fast and abstinence.

The chief task of the *S. Officium,* nevertheless, consists in deciding about the admissibility or inadmissibility of a theological doctrine or opinion,* and in declaring the validity or invalidity of Sacraments administered under doubtful circumstances, such as Baptism, Holy Orders and Holy Eucharist.

Pius X, in his *Motu proprio: Romanis Pontificibus,* December 17, 1903, assigned to the Congregation of the *S. Officium* the election of bishops in Italy.

Sessions.—The first preliminaries for a process before the *S. Officium* take place on a Saturday in the so-called *Congresso,* the *Assessor, Commissarius, Advocatus fiscalis* and *Primus Socius* attending. After this follow two other meetings: first, on the following Monday, the *Congregatio Consultorum,* at which, under the presidency of the *Assessor,* the acts of the process are read aloud, and the opinions of the consultors discussed. Then follows on the Wednesday thereafter the *Congregatio Cardinalium,* which renders its final decision after receiving the report of the *Assessor S. Officii.* In very important matters another meeting is called for the Thursday, under the personal presidency of the Pope. At this assembly the Pope ratifies the decisions of the Wednesday session. Usually, however, the Thursday session is omitted, the Holy Father confirming the resolutions of the *S. Officium* when the *Assessor* reports to him at the audience on Friday.

* Compare the recent Syllabus of Errors, page 322.

The *Sacra Congregatio Indicis librorum prohibitorum*

Origin.—The *S. Congr. Indicis* is closely related to the preceding Congregation in aim and labors. It is, as it were, the special auxiliary to the *S. Officium,* as it provides specific and efficient measures for the combat against the great dangers to faith and morals threatening from inimical and corrupt literature, which has grown to be a powerful enemy of the Catholic Church. When by the invention of the printing press a wide dissemination of literature was effected, and the contemporaneous arising of a great heresy made necessary a rigorous warfare against books prejudicial to the faith, Paul IV, in 1559, or possibly earlier, published the first Roman Index, i. e., an official list of prohibited books. The model for subsequent development, however, became the Index of Pius IV, issued in 1564 together with the ten general rules prescribed for the Index by the Tridentine Council. At this time the supervision of literature was in charge of the Con*gregatio S. Officii;* but Pius V founded, in 1571, a special Congregation of the Index, which subsequently was given more definite shape by the Bull *Ut pestiferarum* of Gregory XIII, and which was enrolled by Sixtus V as *Congregatio septima* in his new plan of Congregations, as established by the Constitution *Immensa aeterni Dei,* January 22, 1587.

Organization.—This Congregation consists of an unrestricted number of members, nominated from the body of cardinals at the pleasure of the Pope, with a cardinal-prefect as its head. The prefect's permanent assistant is

the *Magister sacri palatii* (a member of the Dominican Order); for the post of secretary the Pope always appoints a member of the Dominican Order, as privilege by custom. The Congregation has at its disposal a considerable number of consultors, whose duty it is to examine the accused books and to state the reasons for condemnation or acquittal. This work is shared by the relators, i. e., specialists admitted on probation, who upon demonstrating their ability are promoted to the class of consultors. As in the case of the *S. Officium,* all members and officials of the Congregation of the Index are enjoined to observe the strictest secrecy, which obligation is modified only for the secretary in certain necessary respects. The bureau of this Congregation is located at present in the *Cancellaria Apostolica.*

Scope of Labors.—The Congregation has the twofold task, 1. to indict books found to be offending against faith and morals; 2. to permit the possession and use of such books under certain conditions. In both these matters the *S. Officium* shares jurisdiction.

Mode of Procedure.—Benedict XIV, in the Constitution *Sollicita ac provida,* of July 9, 1753, has minutely prescribed the procedure for the examination and censure of books. 1. The proceedings begin with the denunciation of the book to the secretary of the Congregation of the Index. 2. If the secretary considers the accusation sufficiently supported by facts, he appoints two consultors, who submit separate opinions upon the book. If the consultors favor the censure of the book, a relator, expert on the par-

ticular subject, is commissioned to work out a report fully covering all parts under suspicion. 3. The secretary, at least once a month, summons the *Magister sacri palatii* and six experienced consultors to a preliminary session (*Congregatio praeparatoria*), at which accused books and the various opinions are discussed. Finally the cardinals receive the books with all reports and opinions, and they pronounce their definite decisions in plenary assembly, which decisions, if books are condemned, are ratified by the Pope at the subsequent audience of the secretary.

In the case of a work by a Catholic author of unquestionable repute and renown, the condemnation has the clause added *donec corrigatur,* and the judgment is temporarily suspended. If the author then submits a corrected reprint, the indictment is vacated, unless a large number of the indicted edition has already been distributed. If in such case, a very frequent one by the way, the immediate publication of the condemnation is found necessary, then there is added the clause: *Auctor laudabiliter se subiecit.* Benedict XIV also expressed the desire that, whenever possible, there should be given to a Catholic writer of merit an opportunity to defend his work, although it is not a question of condemning the individual, but only his writing. Above all, the Pope admonished the members of the Congregation that when sitting in judgment they must be free from all prejudice. All bias in favor of a certain nation, family, school or order must be set aside, and their only standard and guide must be the dogmas of the Church

and the approved Catholic interpretation. The general rules of procedure in the examination and censure of books have been revised by Leo XIII in the Constitution *Officiorum ac munerum,* of June 25, 1897, and a new edition of the Index was published at his direction in 1900.

Literature: Ballès, *La S. Congregation de l'Index mieux connue et vengée.* 1866. H. Reusch, *Der Index der verbotenen Bücher.* 1883. J. Pennacchi, *In constitutionem apost. "Officiorum ac Munerum" Commentatio.* 1898. Ph. Schneider, *Die neuen Büchergesetze der Kirche.* J. Hilgers, *Der Index der verbotenen Bücher.* G. Péries, *L'index, commentaire de la const. apost. "Officiorum."* 1898.

The *Sacra Congregatio Cardinalium Concilii Tridentini interpretum*

Origin.—Acting upon the consideration *parum esse iura condere, nisi sint qui ea executioni demandari faciant,* Pius IV erected, by his *Motu proprio: Alias nos,* of August 2, 1564, a Congregation of eight cardinals, whom he charged with the execution of the reform measures of the Council of Trent. Pius V granted to this Congregation the privilege to define authentically the Tridentine laws of discipline and to decide controversies respecting them, a faculty subsequently confirmed by Gregory XIII, and by Sixtus V, in the Bull *Immensa aeterni Dei,* finally determined to the effect that for decisions in difficult cases the Pope's sanction must be obtained. This Bull further enjoins the Congregation to enforce everywhere the particular Tridentine decree prescribing that there must be held every three years a provincial council, and

annually a diocesan Synod, and to examine the conclusions of provincial councils. Furthermore, the Congregation was ordered to hear the *Postula* of patriarchs, primates, archbishops and bishops at their *Visitatio liminum,* to render decisions in minor affairs according to equity and reason, and to report difficult matters to the Pope. Lastly, Sixtus V endowed this Congregation with the authority to take steps for the reform of clergy and people according to the precepts and in the spirit of the Tridentine council.

Organization.—A cardinal-prefect is at the head of the Congregation, supported by cardinal members appointed by the Pope; as a rule their number is considerable. The secretary, usually a titular bishop, is assisted in the discharge of current affairs and in the preparing of matters for the plenary assemblies by an undersecretary and an auditor. The Congregation has also the services of a large number of specialists as consultors.

A peculiar and noteworthy institution is the *Studio* of the *S. Congregatio Concilii,* where young priests who have graduated in both laws, or who, possessed of the required proficiency in studies, have been specially recommended by their bishops, are by the secretary and auditor instructed in the practice of Canon Law. This *Studio* is a specific training institution for future officials of the Curia and for aspirants to episcopal Sees. The secretariate of this Congregation, as also the rooms of the *Studio,* are located in the *Cancellaria Apostolica.*

Scope of Labors.—A distinction must here be made between the legislative and judiciary competency.

1. The Congregation has without question the right of legislation in all matters tending to promote the reform of the clergy and people after the precepts of the *Tridentinum,* the approval of the Pope being presupposed as condition of validity. 2. It exercises, furthermore, the function of legislator through its interpretation of the decrees of the Council of Trent, the Pope's approbation being required for both the *interpretatio extensiva* and *restrictiva* in the sense of Canon Law. 3. The Congregation finally possesses the power to grant dispensations, a power exercised usually independently, but sometimes merely by recommendation. As chief instances of dispensation and favor are here concerned: permission to bishops to be represented by a procurator at the *Visitatio liminum,* and to extend the prescribed term for the *Visitatio;* also to exempt beneficiaries from obligatory domicile, with or without permission to enjoy the revenues; the concession of the Mass form *de Beata* to priests of defective eyesight, and the permanent preservation of the Blessed Sacrament in public oratories not connected with any parish work. The Congregation dispenses from the precept of the title of ordination for the reception of subdeacon's orders; it allows founded Masses to be reduced in the case of decreased or abrogated stipends, and permits the translation of Masses founded at a certain church. If pastors or chapters have not complied with Mass obligations *pro populo,* or *pro benefacto-*

ribus, they may apply, through this Congregation, to be condoned by the Holy See. For the disposal of Church property this Congregation grants the prescribed *beneplacitum Apostolicum,* and it absolves from censure incurred on account of arbitrary *alienatio.*

By indult of three years the *Congregatio Concilii* grants authority to bishops to relieve poor persons from their obligations *ad pias causas* if they have not been able to comply, to reduce the number of founded Masses corresponding to the Synodal tax, and to grant to priests dispensation from the *observatio horae, diei et loci* in celebrating Mass.

The Congregation exercises its judicial faculty: 1. in matters pertaining to marriage and betrothal if questions of ecclesiastical law are involved; 2. in matters of benefices, whether in regard to the benefices themselves (establishment, abolition, separation, consolidation of parishes), their rights and privileges (prebendary, and other revenues), or the privileges and obligations of prebendaries (controversies between bishop and chapter; rights and duties of chapters in regard to choir attendance, distributions, rotation and prebendary options; rights and duties of pastors in regard to funerals, tithes and perquisites), or, finally, the obtaining or losing of benefices (appeals from the decisions of the examiners in contests for rectorships, also resignation, transfer or removal of beneficiaries), 3. in controversies pertaining to the validity of religious profession and of subdeacon's orders.

Notwithstanding the many matters of competence here

enumerated, the list is by no means exhaustive, since the Congregation of the Council is in principle competent in all matters concerned by the decrees of the Council of Trent and their logical connections, with the sole exception of matters of faith. Excepting the jurisdiction in matrimonial cases and the faculty of authentic interpretation of the Council's decrees, the *Congregatio Concilii,* however, shares its competence in many points with the *Congregatio Episcoporum.*

Mode of Procedure.—Routine matters of no importance are dispatched every Saturday in the *Congresso,* held by the cardinal-prefect, secretary, undersecretary and auditor. The Congregation can act independently in a list of fifty-two faculties; in all other instances the Pope's ratification, *per rescriptum ex audientia Sanctissimi,* has to be obtained by the secretary.

Important matters, such, for instance, that are contested by opposing factions, are submitted to the plenary assemblies of the Congregation, held once a month (on a Saturday) in the Vatican Palace. One of three modes may be adopted in the proceedings: 1. The ancient procedure strictly according to Canon Law: the *processus in folio seu iuris ordine servato.* If the secretary of the Congregation has, through the injunction *Ponatur in folio,* directed this proceeding, at the petition of the parties to the suit, then the entire procedure from start to finish will follow the strict rules ordained by this ancient *processus ordinarius* (filing of complaint, formal contestation, numerous process stages, rigor-

ous order of terms in court, with the *conclusio in causa,* employment of advocates and procurators). 2. The procedure *ex officio seu in forma oeconomica.* Since the year 1836 it has in favor of poor litigants been permitted to have the opinions in matrimonial processes worked out by a *Theologus* and a *Canonista ex officio,* so that the considerable expense incurred by the employment of procurators and advocates may be avoided. Otherwise the order of procedure is the same as in the preceding form. 3. The procedure *per summaria precum seu iuris ordine non servato.* In place of the regular legal procedure (*ordo iuris*) there is in this form employed a simplified and summary mode. Until the year 1847 the secretary of the Congregation of the Council made to the plenary assembly a short verbal report on the submitted motions, the *Summa precum.* But as this method rendered a mature deliberation difficult, especially in important and complicated matters, it was arranged to have all the acts and opinions printed under the caption *Per summaria precum.*

Formulae of the Decisions.—In the case of an academical inquiry, as also in deciding actual processes, a short question, the *Dubium,* is either formulated *ex officio* at the conclusion of the discussion by the Congregation, or agreed upon by the parties, and answered by the Congregation either *affirmative* or *negative.* Occasionally there are added to this decision the words *ad mentem,* or, *iuxta modum,* in elucidation of the meaning or of the scope of the answer, or in order to impose certain conditions. An

argument does not accompany the decisions, on the ground that, 1. the Congregations render decisions *nomine et auctoritate Supremi Principis,* who as such is not obliged to give an accounting, and, 2. because decisions not infrequently deviate from the strict law in favor of equity and in furtherance of the public weal. Final decisions are frequently postponed, and sometimes entirely withheld. Rejection of complaint is made under the forms: *Lectum,* or, *Relatum,* or, *Non expedire,* or, *Nihil.* Postponement of decision is announced by *Dilata,* or, *Dilata et coadiuventur probationes,* or, *Suppleantur acta iuxta instructionem dandam a Defensore Matrimonii ex officio.* Occasionally the Congregation opines that the complaint should in first instance be decided by the bishop. The order then reads: *Ad iudices suos,* or, *ad Ordinarium qui utatur iure suo,* or, *Orator rem deferat ad Episcopum et eius iudicio se dirigat.* Not infrequently the question at issue has already been decided by a previous decree; then the answer is given: *Dentur decreta,* or, *Detur Responsum.* Should it appear desirable that the matter in dispute be decided not merely for this individual case, but in a general way, the Congregation makes this disposition: *Providebitur per decretum generale.* Is the suspension of a former sentence requested then there is laid before the Congregation the *dubium*: *An sit standum vel recedendum a decisis in casu?* and the answer reads: *In decisis,* or, *Recedendum a decisis.* In many instances the petitioner is in a position of obtaining the right answer for himself from the opinions of canonists or from previous

decisions of the Congregation, and the Congregation then directs: *Orator utatur iure suo,* or, *Consulat probatos auctores.* Many of these terms are used also by the other Congregations.

Collections of Decisions.—Since the year 1718 the decisions of this Congregation have been collected in the *Thesaurus Resolutionum Sacrae Congregationis Concilii.* The collection was started at the suggestion of Benedict XIV, then secretary of the Congregation of the Council, and it has been kept up to the present time. Alphabetical extracts from the same are: *Collectio Declarationum S. Congregationis Concilii,* opera et studio Joh. Fortunati de Comitibus Zambonii. *Rom.* 1838. Pallotini, *Collectio omnium conclusionum et resolutionum S. Congregationis Concilii,* 1564-1860. Romae 1868. Mühlbauer, *Thesaurus resolutionum.* Monach. 1872. *Concilium Tridentinum,* by Richter and Schulte (1853); the only one of these works completed to date. There is a collection of the *Causae selectae per summaria precum* for the years 1823-1869, by Reuss and Lingen, Ratisb. 1869.

Literature: R. Parayre, *La S. Congrégation générale du Concile, son historie, sa procedure, son autorité.* Paris 1897. Sägmüller, *Die Geschichte der Congregatio Concilii vor dem Motu proprio: Alias nos. Archiv. für Katholisches Kirchenrecht.*. 1900.

The Congregations and Commissions connected with, or related to the *Congregatio Concilii.*

The Commissio Praelatorum super examine relationum Ordinariorum de statu dioecesium.—Favored by

the Roman Provincial Synods, and subsequently by the General Synods established since the reign of Leo IX, there originated in the latter part of the Middle Ages the custom of a journey to Rome by archbishops and exempt bishops, later by all bishops, in order to visit the churches of the two princes of the Apostles, to pay their respects to the Pope, and to report the condition of their dioceses. The custom having eventually grown into an obligation, Sixtus V, in the Bull *Romanus Pontifex,* of December 20, 1585, insisted on compliance with this obligation, and fixed a period within which the *Visitatio ss. liminum* was to be repeated,* and in the Constitution *Immensa aeterni* he charged the *Congregatio Concilii* with the examination of the *Relationes super statu ecclesiarum.* Benedict XIV, who as former secretary of the Congregation of the Council knew from personal experience the great amount of work accruing from these examinations, appointed in the very first year of his pontificate, by the Constitution *Decet Romanum Pontificem,* September 15, 1740, a special commission of prelates, whose task it was to examine the reports of the bishops and to

* The periods of the *Visitatio ss. liminum* are: Every three years for the Bishops in Italy, the Italian Islands, Dalmatia and Greece; every four years for Bishops in Europe *citra mare Germanicum et Balticum* and the Islands of the Mediterranean; every fifth year for the Bishops of the rest of Europe, the adjacent Isles and the north coast of Africa; every ten years for the Bishops of all other countries. Compare the Bull *Romanus Pontifex* of December 12, 1585. The obligation of the visitation includes also *Abbates nullius cum territorio separato:* namely, those in Italy and the Italian Isles every three years, in other provinces every five years.—Const. *Quod sancta* of Benedict XIV, November 23, 1740.

settle any questions therein brought forward. In order to promote a close union between the *Congregatio Concilii* and this commission of prelates, the cardinal-prefect and the secretary of the Congregation of the Council were charged with the same offices in the commission. This commission is directly subject to the Congregation of the Council, to which in all weighty matters final decision is reserved, the commission of prelates only undertaking the preparations and reports.

Literature: A. Lucide, *De visitatione ss. Liminum.* Ed. IV. cur. L. Lugari, S.J. 1899. Sägmüller, *The Visitatio liminum ss. Apostol. bis Bonifaz VIII.* 1900. Paulus Melchers, *De Canonica dioecesium visitatione.* Coloniae ad Rhenum 1893.

The Commissio Cardinalitia super examine relationum Visitatorum Apostolicorum pro dioecesibus Italiae.—For the Italian dioceses the *Congregatio Concilii* issued, March 7, 1904, a decree which, in view of the abrogation of apostolic nunciatures in Italy, ordained the visitation of bishoprics by special apostolic visitators, and announced rules and regulations for these visitations. Paragraph 16 of these instructions imposes upon the visitators the duty to submit to the Holy See a minute report of the favorable or unfavorable results of their inquiries. For the purpose of examining such visitation reports Pius X established this commission of cardinals, which at present consists of seven cardinals, a secretary and two consultors. The prefect and secretary of the Congregation of the Council hold the same offices in this commission, which is really a department of the Congregation.

THE CONGREGATIO SPECIALIS SUPER REVISIONE CONCILIORUM PROVINCIALIUM.—For the examination of the conclusions of provincial councils, a labor assigned by Sixtus V, in the Bull *Immensa aeterni,* to the Congregation of the Council, Pius IX, in the year 1849, established a special Congregation, as auxiliary to the *Congregatio Concilii,* both being presided over by the same prefect and secretary. The *Congregatio super revisione Conciliorum Provincialium,* however, has of its own a large number of consultors from the secular and regular clergy.

The *Acta et decreta* of a provincial Synod are, first of all, referred to a consultor, whose opinion is printed and distributed to the cardinals and consultors of this Congregation. The consultors then meet, the secretary presiding, to deliberate upon the conclusions of the Synod and the recommendations of the referee. After these deliberations, or *vota,* have also been printed and submitted, the cardinal members in plenary assembly deliver their final judgment, which is then communicated to the metropolitan. While the Congregation examines and corrects the conclusions of Synods, it does not give them positive approbation.

THE CONGREGATIO SUPER RESIDENTIA EPISCOPORUM.—The execution of the directions of the *Tridentinum* regarding the obligatory domicile of bishops was especially intrusted to the *Congregatio Concilii* by Sixtus V, in his Bull *Immensa aeterni.* Urban VII, however, established by the Constitution *Sancta Synodus,* of December 12, 1634, this special Congregation, which, although not connected with the

Council Congregation, is nevertheless related to it by reason of origin and aim. Benedict XIV endeavored through the Constitution *Ad universae,* of September 3, 1746, to resuscitate the activity of this Congregation, and appointed the cardinal-vicar as permanent prefect and the secretary of the Council Congregation as permanent secretary of the *Congregatio super residentia.* Numbering five cardinals in the year 1842, the Congregation consists at this time only of prefect and secretary, and since the obligation of domicile is at the present time faithfully observed by bishops everywhere the activity of this Congregation has entirely ceased.

The Congregatio Immunitatis ecclesiasticae.—Even as late as in the seventeenth century the ecclesiastical immunity was of such prominence that Urban VIII, in 1626, created a special Congregation of Cardinals to render decisions in the numerous disputes and inquiries respecting the *immunitas ecclesiastica realis, personalis* and *localis.* This Congregation is an offspring from the *Congregatio Episcoporum et Regularium,* to which Sixtus V, in the Constitution *Immensa aeterni,* had intrusted the protection of the ecclesiastical jurisdiction and immunity. Leo XIII united the Congregation provisionally to the *Congregatio Concilii,* so that now the prefect and secretary of that Congregation, with the aid of a consultor, look after the few matters which, under the changed circumstances of the times, remain for the *Congregatio Immunitatis.*

The *Sacra Congregatio super negotiis Episcoporum et Regularium*

Origin.—In the year 1570 Pius V established a Congregation of Cardinals for the execution of the resolutions framed by the apostolic visitators for the diocese of Aquileja. Gregory XIII, in 1573 and 1576, founded two additional Congregations for the same purpose, and they soon extended their sphere of action to bishops and religious in general. In the year 1585 five cardinals were commissioned to look after the affairs of bishops, and as many more to attend to those of religious orders. Sixtus V subsequently appointed, in the Constitution *Romanus Pontifex,* of May 27, 1586, a special *Congregatio super consultationibus Regularium,* and confirmed this Congregation, together with the *Congregatio pro consultationibus Episcoporum et aliorum Praelatorum* by the Bull *Immensa aeterni.* While at first separate Congregations, they soon (about 1601) consolidated into the single Congregation *super negotiis Episcoporum et Regularium.*

Organization.—This Congregation is constituted like the *Congregatio Concilii.* It consists of a cardinal-prefect, a considerable number of cardinals, two secretaries. auditor, the *Index relator* for matters of discipline, and numerous consultors commissioned by a decree of Gregory XVI, September 5, 1835. The Congregation has quarters in the *Cancellaria Apostolica.*

Scope of Labors.—The *Congregatio Episcoporum et Regularium* may be designated in the curial language as

the *occupatissima,* i. e., the busiest. The competency of the Congregation may be defined, negatively, by stating that only matters of faith (*Congr. S. Officii* and *Indicis*), the formal interpretation of the decrees of the Council of Trent, and marriage processes (*Congr. Concilii,* by right of custom), finally the Rites and Ceremonies of the Catholic Church (*Congr. Rituum, Congr. Caeremonialis*) are excluded from its forum. In all other matters the *Congr. Epp. et Regg.* has *latas habenas agendi.* An exhaustive enumeration of all matters of its competency can not be attempted here, but a review of its chief activities may follow.

I. The *Negotia Episcoporum* include, 1. the appeal of priest or layman from a law, an imposed penalty, or an administrative measure, by episcopal authority, in which the petitioner considers himself unjustly treated. 2. The lesser trespasses of bishops, for which the *Congr. Epp. et Regg.* forms the competent court. 3. In graver delinquencies of bishops the Pope confers delegation to the *Congr. Epp. et Regg.* unless they belong to the resort of the *S. Officium.* 4. The administration of a diocese in case the bishop is hindered in the efficient discharge of his duties, either by illness, mental incapacity, suspension, or other causes. In such a case the Congregation delegates an *Administrator* (*Vicarius*) *Apostolicus.* 5. Disputes arising from the election of the vicar of a chapter, or from the manner of his administration. Lastly, this Congregation has, 6. the extensive task of giving bishops authentic instruction in all complicated questions of administration, and to facilitate to them the ex-

ercise of their office by granting appropriate faculties, for the alienation of church property, dispensations, absolutions, etc.

II. The *Negotia Regularium* concern chiefly, 1, the controversies of the various orders and congregations among themselves; 2. appeals of religious from the dispositions of their superiors, and disputes on account of elections; 3, the establishment, consolidation, partition and abandonment of convents and cloisters of regular orders; 4. the approbation of newly founded communities with simple vows (*decretum laudis, decretum approbationis*). Finally, the Congregation grants in various ways dispensations from religious vows, from the observance of the rules and constitutions of an order (from clausure, for instance), from papal laws (for the alienation of property by an order), whenever the interests of an individual, of a community, or of an entire order demand this.

Mode of Procedure.—The *Congr. Epp. et Regg.* excluded originally from its forum all private contests, as also penal matters, but gradually it undertook to dispose of such processes *modo oeconomico,* and finally adopted the practice of a regular law procedure. Pius VII, by his Bull *Post diuturnas,* in the year 1800, first assigned the ecclesiastical penal jurisdiction to this Congregation. At the present day there are distinguished four modes of procedure: 1. Routine business is dispatched at the so-called *Congresso,* held twice a week (on Tuesdays and Fridays) at the rooms of the cardinal-prefect, the secretary, undersecretary and auditors

assisting. 2. Matters of importance are brought before the plenary assembly of the Congregation to be decided *per summaria precum.* The cardinals, upon receiving the secretary's report, cast their *vota,* the majority deciding. 3. In the instance of a contention of an important character that may be disposed of more properly according to the rules of regular legal procedure, the cardinal-prefect issues the decree: *Proponatur coram plenario Emorum Patrum coetu, citata parte et concordato dubio,* after which follows the regular procedure *iuris ordine servato,* the rules of which have been remodeled by decree of the Congregation, July 20, 1900. Finally, 4. the *Congr. Epp. et Regg.* forms the court of appeal in penal matters, for the transaction of which the regulations of December 18, 1835, modified March 26, 1886, are applied. Penal actions are admissible also at the *Congr. Concilii,* a particular procedure not being prescribed. For the summary procedure at episcopal courts, in matters of discipline concerning the clergy, the *Congr. Epp. et Regg.* has issued, June 11, 1880, a special instruction. The former two auxiliaries to this Congregation, namely the *Congregatio super disciplina regulari* and the *Congregatio super statu regularium,* have recently been discontinued, by the *Motu proprio* of May 26, 1905, and their functions are now committed to the *S. Congr. Epp. et Regg.*

Literature: A. Bizzarri, *Collectanea in usum Secretariae S. Congregationis Episcoporum et Regularium.* Romae 1885. A. Battandier, *Guide Canonique pour les constitutions des Instituts à voeux simples.* 3d edit. Paris 1905.

The *Sacra Congregatio Consistorialis*, and, the *Sacra Congregatio examinis Episcoporum*

Having reviewed the Congregations occupying themselves in general with matters of faith (*S. Congr. S. Officii* and *Indicis*), and with administration and discipline (*S. Congr. Concilii* and *S. Congr. Epp. et Regg.*), there claim our attention now the Congregations having charge of special branches of ecclesiastical administration and church service, or of particular geographical parts of the Catholic Church (the *Propaganda*).

On account of its important mission first place must be given to—

The *Congregatio Consistorialis*.—ORIGIN.—For the preparation of consistorial acts, i. e., the business to be transacted by the Consistory, Sixtus V erected, in the oft mentioned Bull *Immensa Aeterni*, the *Congregatio tertia, pro erectione ecclesiarum et provisionibus consistorialibus*, which for the sake of brevity is named the *Congregatio Consistorialis*.

ORGANIZATION.—The Congregation has a prefect, this office being formerly held by the senior cardinal, but now by the Pope. Then there are the cardinal members and the secretary, who also is secretary of the College of Cardinals, and, *sede vacante*, secretary of the Conclave. There are now no longer consultors.

SCOPE OF LABORS.—The Congregation prepares the acts to be submitted to the consideration of the Consistory. 1. for the erection, division, or consolidation of dio-

ceses; 2. for the voluntary or enforced resignation, or translation, of bishops; 3. the appointment of episcopal coadjutors; 4. the bestowal of certain distinctions on bishops (the *Pallium,* for instance); 5. the confirmation of election, postulation and nomination of bishops. Outside of Italy, in cases where the bishops are either elected by the Cathedral chapter, or nominated by the government of state, the conduct of the inquiry *super vita et moribus promovendi,* is by the instruction *Si processus* by Urban VIII of the year 1627, assigned to the Apostolic Nuncio of the respective country, whose reports are forwarded to the *Congregatio Consistorialis,* which then brings the inquiry to conclusion in the so-called *processus definitivus.*

For Italy, the adjacent isles and all parts where there exist no concordats or papal ordinances concerning the election of bishops, Pius X, in the *Motu proprio: Romanis Pontificibus,* of December 17, 1903, has assigned the election of bishops to the *S. Officium.* Formerly there existed a special Congregation for this purpose, *De eligendis Episcopis,* first founded by Pope Innocent XI, then confirmed by Benedict XIV, in the Constitution *Ad Apostolicae,* of October 17, 1740, and by Leo XIII, in the Bull *Immortalis memoriae,* of September 21, 1878, remodeled into a *Commissio Cardinalitia de eligendis Episcopis.*

The Congregatio examinis Episcoporum.—In the spirit of the Council of Trent, which required in *Sess. XXII, c. 2 de reform.,* a certain degree of proficiency by bishops in theology or Canon Law, Clement VIII established the spe-

cial Congregation *Super examine Episcoporum* for all Sees of free collation, and in Italy and adjacent isles for those of state nomination. According to a distinction still customary in Italy, the Congregation was composed of two separate departments, viz.: theology and Canon Law. As the Congregation has not been formally disestablished by papal decree, it is still mentioned in the *Gerarchia cattolica,* although its functions have long since been abandoned. Since the examination of bishops was discontinued even in Italy, Pius X, in his *Motu proprio* of December 17, 1903, on the election of bishops, pointedly notes a *Periculum de doctrina,* an indication how vacated ancient institutions may easily reappear in a new form.

The two Congregations *de Propaganda Fide*, and their Auxiliary Commissions

The countries of the globe are classed by the Church into two great groups: the group of the *Provinciae Sedis Apostolicae,* and the other of the *Terrae Missionum.* The former group constitutes the realm of the regular Church hierarchy and of the common ecclesiastical law, the latter group is the field for a special ecclesiastical hierarchy and for particular laws. Since all other Roman Congregations proceed according to the principles of the common ecclesiastical law, the Popes have erected a special Congregation of Cardinals for missionary countries, and made it thoroughly competent to transact all matters pertaining to their affairs, permitting in their treatment a briefer and simpler method. This

special Congregation for missions has, furthermore, as its particular aim the promotion of the propagation of the faith. Hence the name *Sacra Congregatio de Propaganda Fide.*

Origin and Development.—The actual founder of the *Propaganda* is Gregory XV, who in the Constitution *Inscrutabili divinae,* of June 22, 1622, created this Congregation and fixed its privileges and faculties in the *Motu proprio: Cum inter multiplices,* of December 14, 1622. Gregory XIII previous to this had appointed a commission of three cardinals, to whom he had intrusted the special care for Catholics of the Greek rite. This commission was by Clement VIII raised to the dignity of a Cardinal's Congregation, and it was given charge also of affairs of missions in general. Both institutions may be regarded as the beginnings of the subsequent *Propaganda.*

Urban VIII founded, by his Bull *Immortalis Dei filius,* in the year 1677, the *Collegium Urbanum,* that famous mission school of the *Propaganda,* situated at the foot of *Monte Pincio,* whence so many priests have set forth for the missionary field. Clement IX, in the year 1720, created the *Congregatio super corrigendis libris Orientalium,* revived by Benedict XIV in 1756, and transformed in 1862 by Pius IX into a commission.

The *Propaganda* owes the greatest expansion of its activity to Pius IX, who, in the Bull *Romani Pontifices,* of January 6, 1862, founded a special Congregation *De Propaganda Fide pro negotiis ritus orientalis,* and also an independent Commission *Super revisione et correctione libro-*

rum ecclesiae orientalis. Leo XIII further extended, in 1890, the *Propaganda* by two new commissions, one of them *Ad revisendas constitutiones novorum Institutorum Regularium dependentium a S. Congregatione de Propaganda Fide,* and the other *Ad revisendas relationes dioecesium, vicariatuum Apostolicorum a S. Congregatione de Propaganda Fide dependentium.* Recently the number of commissions was again increased by one established by Pius X, the *Commissio super revisione Synodorum provincialium.* Finally there exists, since the time of Pius VII, the *Reverenda Camera spoliorum* * as a special department of the *Propaganda.*

Organization.—The complicated organization of the *Propaganda* requires a detailed description of its two principal branches with their subdivisions.

I. The *Congregatio de Propaganda Fide,* the original Gregorian foundation, has two cardinal-prefects, viz., a general prefect (*Praefectus Generalis*), and a special prefect for the fiscal department (*Praefectus rei oeconomicae curandae*). The number of cardinal members is, as a rule, very considerable, likewise its staff of consultors, taken from the ranks of the secular and regular clergy. The Congregation has only one secretary, and an apostolic protonotary whose

* During the Napoleonic Wars Pius VII made a large loan of the *Propaganda* which subsequently he was unable to fully refund, in lieu of this he conferred upon the *Propaganda* the claims of the Apostolic Exchequer to the Spolia, *i. e.,* the revenue from vacant benefices.

duty it is to collect from the missions the acts of martyrs. (Brief of Urban VIII, November 2, 1626.)

The commission for the examination of the statutes of new religious communities is presided over by a cardinal member of the *Propaganda;* it has a secretary of its own and also a number of consultors, all of them from religious orders.

At the head of another commission, for inquiry into the reports of dioceses and apostolic vicariates, is a prelate as president, assisted by a secretary and several consultors. The most recent commission, for the revision of provincial Synods, has a cardinal for president, a secretary and six consultors.

II. The *Congregatio de Propaganda Fide pro negotiis ritus orientalis.*—The offices of general prefect and fiscal prefect are held by the same cardinals as in the other branch. The membership of cardinals is somewhat smaller. This Congregation has its own secretary and consultors, also interpreters for the translation of documents in Oriental languages. The auxiliary commission, for examining and correcting the books of Oriental churches, numbers two cardinals and a secretary.

III. The *Agentia generalis Reverendae Camerae spoliorum* has for its president the fiscal prefect, it has its own secretary and the attendance of a lay jurist as permanent counsel (*Procuratore Legale*).

All offices of these Congregations and commissions are situated in the palace of the *Propaganda.*

Scope of Labors.—All the work done by other Congregations for the territories of the Apostolic See, is performed for the missionary countries of the Latin and Oriental rite by the branches of the *Propaganda.* Hence the saying of the *Propaganda*: *habet ceteras Congregationes in ventre.* For practical reasons, however, the Congregation does not make full use of its universal competency; it refers questions of faith, as, for instance, doubts concerning the valid administration of Sacraments, to the *S. Officium,* transmits petitions for dispensations and absolutions *pro foro interno* to the Sacred Penitentiary, and lays questions relating to the Tridentine decrees before the *Congr. Concilii.* The chief concern of the Congregation of the Propaganda is the energetic development of missions, which it seeks to accomplish by the training of missionaries in the *Collegium Urbanum* and other seminaries for the missions,* by the appointing of apostolic missionaries, of apostolic prefects, apostolic vicars and missionary bishops for mission districts, and in a general way by the supreme direction and control of missionary affairs. Disputes being possible even among missionaries, the *Propaganda* also exercises supreme jurisdiction. It has, finally, legislative power for missionary countries, as was decided in plenary session of July 30, 1652. Hence there exists a special Canon Law

* The Alumni of these Institutes engage themselves by oath to give up their whole life to the work in the missions; they can only by permission of the Congregation of the *Propaganda* enter a religious order. After taking the oath they receive holy orders on the *titulus missionum.*

for missionary districts, the so-called *Ius Pontificium de Propaganda Fide.*

Regarding the commissions it should be noted that the Commission for the Examination and Correction of Books flourished particularly under the presidency of Cardinal Pitra, who successfully completed the correction of the Greek liturgical books. The *Camera spoliorum* has lost much of its importance since 1866, when the Italian government established a special fiscal bureau for vacant benefices, as a branch of its department of justice. Since then the *Camera spoliorum* is of authority only in the case of suburbicary dioceses, and in regard to these it may be mentioned that Leo XIII, in 1887, on the occasion of the golden jubilee of his ordination as priest, exempted Italian bishoprics from the spolia for a term of twenty years.

The commission for the examination of reports from dioceses and apostolic vicariates exists now in name only, the work being done by subordinate officials of the secretariates of both Congregations.

Mode of Procedure.—For the discharge of routine business a *Congresso* takes place twice a week, the general prefect and the secretaries taking part. Matters of an important nature, especially contentions, are attended to in plenary assembly, held twice a month, on Mondays, in the palace of the *Propaganda.* A special *Ponens,* appointed from the ranks of the cardinals, is intrusted with the preparations and the reports of the *Causa* under consideration. In the *Congregatio pro negotiis ritus orientalis* we find the practical arrange-

ment to have one or more cardinals appointed for every rite to officiate as permanent *Ponentes.* The proceedings are invariably summary, without the employment of advocates and procurators. Decisions are rendered from the point of view of greatest fairness, *pro aequo et bono.* The Congregation attends to petitions of missionaries, to appointments, etc., free of all charges and taxes. Agents for the filing and receiving of papers are excluded from the Propaganda, but there are admissible the so-called *Procuratores Missionum.*

Literature: O. MEIER, *Die Propaganda, ihre Provinzen und ihr Recht.* GÖTTINGEN 1852. R. DE MARTINIS, *Ius Pontificium de Propaganda Fide.* ROME 1888. *Collectanea Sacrae Congregationis de Propaganda Fide, seu Decreta,* etc. ROME 1893. *Missiones Catholicae Cura S. Congregationis de Propaganda Fide descriptae,* a statistical guide, appearing annually.

The United Congregations *S. Rituum* and *Indulgentiarum et Sacrarum Reliquiarum*—The *Congregatio Caeremonialis*

Pius X, in his *Moto proprio: Quae in ecclesiae bonum,* of January 28, 1904, united the *Congr. Indulgentiarum et Reliquiarum* permanently with the *Congr. S. Rituum,* both Congregations having a similar aim. Nevertheless the organization and competency of each Congregation is to suffer no change through this union. Hence it is a matter only of harmonizing their activity, the Holy Father having decreed that the prefect of the *Congr. Indulgentiarum et S. Reliquiarum* shall at the same time be the pro-prefect of the *Congr. S. Rituum.* We shall, therefore, have to deal separately with each Congregation.

I. THE CONGREGATIO S. RITUUM.—ORIGIN.—Sixtus V,

in the Constitution *Immensa aeterni,* of January 22, 1587, founded a Congregation of five cardinals, with the task of, 1. looking after the observance and improvement of the Ritual; 2. settling disputes about precedence at processions and divine worship; and 3. conducting processes of canonization and beatification. The Council of Trent had cleared the way for this work by recommending, in *Sess. XXV in fine,* the correction of the Breviary and Missal, and Pius V, in the Constitutions *Quod a nobis,* of July 9, 1568, and *Quo primum,* of June 30, 1570, had prescribed for the clergy of the Latin rite the use of the improved Roman Breviary and Missal. During the pontificate of Leo XIII, there were formed within the Congregation of Rites the *Commissio liturgica* and the *Commissio historico-liturgica,* to which Pius X, in the beginning of his pontificate, added the *Commissio super editione Vaticana librorum liturgicorum Gregorianorum,* and, the *Commissio super musica et sacro cantu.*

Organization.—As the *Congr. S. Rituum* conducts the processes of canonization and beatification, which require the most rigorous formalities of procedure, its organization is far more elaborate than that of the other Congregations with the exception of the *S. Officium.* At the head of its numerous cardinal members are a prefect and a pro-prefect, the latter being at the same time the prefect of the *Congr. Indulgentiarum et S. Reliquiarum.* The secretary, as a rule, is a titular archbishop. Then follow the *Officiales Praelati*: the *Sacrista* of his Holiness (a titular bishop from the

Augustinian Order), an apostolic protonotary, the dean and the two senior auditors of the *Rota*,* the *Magister Sacri palatii* (from the Dominican Order), the *Promotor Fidei*,† and the *Assessor* and *Subpromotor Fidei*. Besides these there are also the *Magistri caeremoniarum Pontificalium* to be considered members of the Congregation of Rites, and the various auditors of the *Rota* are generally consulted upon certain questions. The appointment of consultors is generally arranged so as to have all the principal religious orders represented.

The liturgical commission consists of president, secretary, and, at the present time, of five members.

The historical-liturgical commission numbers at present as its members six eminent specialists.

The most recent commission, that for the revision of the Gregorian chant books, is composed of two divisions: one of members, and the other of consultors. To both there belong prominent connoisseurs of Gregorian chant, among them four laymen.

The commission for music and ecclesiastical chant is composed of president, secretary and eight members.

Among the subordinate officials of the Congregation of Rites is to be mentioned the hymnographer, whose duty it

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* Formerly the processes of canonization were conducted before the tribunal of the *Rota*.

† The office of *Promotor Fidei* was created by Clement XI, April 7, 1708, his duties having formerly been performed by the general *Promotor fiscalis*.

is to examine and correct the style of the offices for the Breviary.

In all matters pertaining to processes of canonization and beatification, the members, the *Praelati Officiales,* as also the consultors and all other officials of the Congregation of Rites, are bound to the strictest secrecy, in the same way as in the *S. Officium.*

The bureau of the Congregation is located in the *Cancellaria Apostolica.*

Scope of Labors.—According to the degree of Sixtus V, establishing the Congregation, there are distinguished two principal departments, the liturgical, and the department for canonization and beatification processes. By reason of the former, all matters concerning the ritual of Holy Mass and the Breviary, the administration of the Sacraments, church services and processions, belong before the forum of the Congregation of Rites. The Congregation furthermore decides disputes of precedence in the case of persons, institutions, corporations, or orders, at processions and other solemnities. If, however, the particular questions of rites bear directly upon the faith, the *S. Officium* usually takes charge, as was the case, for instance, with the rites of the Chinese Jesuit Mission. The suppression of holidays, moreover, is to be approved by the *Congr. S. Officii.* The Congregation of Rites has a great number of faculties in the wide range of the ritual. The new catalogue, issued September 7, 1903,* numbers not less than sixty-two extraordinary and eighty regular faculties. The decrees of

* See page 291.

the Congregation of Rites, and its replies to propounded questions, have authority as if issued by the Pope himself, even if they have not been submitted to him. (Decree of the *Congr. Rituum* of May 23, 1846, confirmed by Pius IX, July 17, 1847.) The general decrees of the Congregation are issued under the caption *Urbis et Orbis,* and therefore of universal authority. Decrees deciding individual cases, however, are not binding in other cases of the same or similar description. (Decree of the *Congr. Rituum* of April 8, 1854.)

Mode of Procedure.—To the twofold sphere of competence corresponds a twofold mode of procedure. Matters liturgical are decided in the *Congregatio ordinaria* upon the report of the *Cardinalis Ponens.* If the question is contested, the summary mode of law procedure is employed. The *Congregatio extraordinaria,* at which also the three senior auditors of the *Rota,* the *Magister sacri palatii* and the *Assessor S. Officii* take part, concerns itself exclusively with matters of canonization and beatification. It is composed of three subdivisions: *Congregatio antepraeparatoria, praeparatoria,* and *generalis.* The strict rules now governing these proceedings were formulated by Urban VIII in the Constitution *Coelestis,* of July 5, 1634, and subsequently elaborated by Benedict XIV in the Bull *Sollicitudine,* of October 1, 1745.

Literature: Benedict XIV, *De servorum Dei beatificatione et beatorum canonizatione.* Bonon. 1734 sqq. Trama, *Manuale theoretico-practicum pro conficiendis processibus in causis beatificationis et canonizationis servorum Dei,* 2d ed. Neapol. 1904. Lauri-

Fornari, *Codex pro postulatoribus causar. beatif. et canoniz.* Romae 1900. Gardellini, *Decreta authentica Congr. S. Rituum.* Mühlbauer, *Decreta authentica Congr. S. Rituum. Decreta authentica Congr. S. Rituum, promulg. sub auspic. Leonis XIII.* Romae 1896 sqq. Official edition.

II. The Congregatio Indulgentiarum et Sacrarum Reliquiarum.—Origin.—Conforming with the conclusions of the Council of Trent (*Sess. XXV. De invocatione, veneratione et reliquiis Sanctorum* and *De Indulgentiis*), Clement VIII established provisionally, and Clement IX, by his Constitution *In ipsis Pontificatus* of July 6, 1669, permanently, a Congregation of Cardinals *Super indulgentiis et sacris reliquiis,* charged with the task of prohibiting the printing of false, apocryphal and improper indulgences, of examining those already published and of rejecting unworthy ones, subject to the approval of the Pope; furthermore, the Congregation was to examine and verify newly discovered relics, also to exercise prudent moderation in the granting of indulgences and in the distribution of relics.

Organization.—The Congregation consists of a cardinal-prefect, a considerable number of cardinal members, a secretary (usually a titular bishop) and a number of consultors, among them, *ex officio,* the papal sacristan, the *Magister sacri palatii* and the *Promotor fidei.*

The bureau is located in the *Cancellaria Apostolica.*

Scope of Labors.—In granting indulgences there existed in the beginning the usage to have the petitions considered and decided in the *Congr. Indulgentiarum et S. Reliquiarum,* but to have the expedition of the decrees attended to by

the Secretariate of Briefs. Later it became customary to issue indulgences either through rescript of the Congregation, or through Brief by the Secretariate of Briefs, or through a memorial of the Secretariate of Memorials. This unrestricted exercise of expedition had the result that indulgences were granted in lavishness, causing their appreciation to suffer. For this reason Pius IX, in a *Motu proprio,* of January 2, 1855, withdrew from the *Congr. Indulg. et Reliq.* the faculty of granting indulgences. As this decree, however, soon passed into oblivion, Leo XIII saw the necessity of reconfirming, by the *Motu proprio: Christianae reipublicae,* of October 31, 1897, the Bull of Clement IX in its entirety, and to forbid to the Congregation the granting of indulgences. The Pope at the same time published a *Syllabus facultatum,* a summary of all faculties now exercised by the *Congr. Indulg. et Reliq.* The Congregation has, according to this syllabus, the exclusive privilege, 1. to interpret authentically all rescripts concerning indulgences and relics, and to decide all controversies and doubts in these matters; 2, to approve lists of indulgences, granted, for instance, to religious communities; 3. to remove, by *sanatio,* imperfections in the erecting of confraternities and pious societies, or in their aggregation to an arch-confraternity; defects in the enrolling of members in the Third Order, in confraternities, sodalities, etc.; finally, defects in the blessing and enrolling of scapulars, in the blessing of rosaries, in the erecting of the Stations of the Cross; 4. to transfer, in respect to time and

place, indulgences already granted; to bestow on dioceses the privilege of making the fortnightly Confession sufficient in gaining all indulgences for which sacramental Confession is prescribed, and, finally, to change prescribed conditions for the gaining of indulgences into other pious works, excepting, however, the *Toties-Quoties* indulgence and the condition of sacramental Confession and Communion. On the other hand the granting of new indulgences, other transfers, the *Privilegia altaris,* the bestowal of privileges to bless articles (as rosaries) and similar faculties are exclusively reserved to the *Secretaria Brevium.*

Literature: F. Behringer, *Die Ablässe, ihr Wesen und Gebrauch,* 13th edition. Approved and recognized as authentic by the Sacred Congregation of Indulgences. Paderborn 1900. A. Lepicier, *The Indulgences, their origin and nature.* London. Pietro Mocchegiani da Monsano, *Collectio Indulgentiarum theologice, canonice ac historice digesta.* Quaracchi 1897.—*Decreta authentica S. Congr. Indulg. edita iussu et auctorit. Leonis XIII.* Ratisb. 1883. *Rescripta authentica S. Congr. Indulg. necnon summaria Indulgentiarum, quae cum Originalibus contulit.* Josephus Schneider. Ratisb. 1885. *Raccolta di Orazioni e Pie Opere per le quali sono state concesse dai Sommi Pontefici le SS. Indulgenze.* Roma, Tipografia Poliglotta della S. C. de Propaganda Fide 1898, the official collection of all indulgenced prayers and good works.

The Sacra Congregatio Caeremonialis.—Sixtus V established, by the Constitution *Immensa aeterni Dei,* the joint Congregation *pro Sacris Ritibus et Caeremoniis,* and gave to it the task: "ut veteres Ritus Sacri . . . etiam in Capella Nostra Pontificia . . . diligenter observentur . . . et ut Reges et Principes eorumque Oratores aliaeque personae etiam Ecclesiasticae ad Urbem Curiamque Romanam

venientes pro Sedis Apostolicae dignitate et benignitate honorifice more maiorum excipiantur." For these particular aims the *Congr. Caeremonialis* was soon called into existence as an independent Congregation. Its prefect is the dean of cardinals, who, as the oldest member of the Sacred College, is the most widely versed in the traditions of the papal chapel and of the papal court ceremonial. There belongs also to this Congregation a number of cardinals, the secretary usually being appointed from the *Magistri Caeremoniarum Palatii Apostolici.* All these masters of ceremonies are *Consultores nati* of the Congregation.

The Congregation has charge of the execution of the ritual and of all ceremonies in the papal chapel and at the papal court. It has also jurisdiction over all controversies arising as to rank and precedence at solemn functions among persons belonging to the papal chapel or to the papal court.* The secretary conducts the ceremonies at solemn reception of royal and princely personages, ambassadors and envoys; it is also his duty to give the necessary ceremonial instructions to newly created cardinals, to ablegates chosen to convey cardinal's insignia, etc.

Literature: Greg. Palmieri, O.S.B., *Brevis notitie et catalogus Archivi S. Congregationis caeremonialis.*

* So in recent times the famous suit brought by the princely houses of Orsini and Colonna for the title of *Princeps Assistens Solio Pontificio,* which was decided to the effect that both petitioners were adjudged the title; the honorary privilege, however, to be exercised by them alternately.

The *Sacra Congregatio super negotiis ecclesiasticis extraordinariis*

Origin.—Ecclesiastical matters of particular importance were formerly discussed either in secret papal Consistories, or, if particular inquiry was deemed necessary, they were referred to an extraordinary Congregation of Cardinals, appointed *ad hoc* and entitled *Super Statu.* Pius VI, in the year 1793, created the *Congregatio super negotiis ecclesiasticis regni Galliarum,* to which Pius VII, in 1805, gave the more general name and scope of *Congregatio a negotiis ecclesiasticis extraordinariis.* This Congregation existed until the year 1809, when it ceased its activity owing to the exile of the Pope. When, in 1814, Pius VII returned from exile, peace had been restored, it is true, yet there were everywhere the traces of strife and desolation, even in the domain of ecclesiastical life. For this reason Pius VII established, July 19, 1814, the *Congregatio extraordinaria praeposita negotiis ecclesiasticis Orbis Catholici,* which, above all, was to make the way clear for the negotiation of concordats. Until 1827 the Congregation was styled *extraordinaria;* since that time this qualifying word has disappeared, and the Congregation has entered the ranks of the regular Congregations.

Organization.—The Congregation is without prefect, the duties of this position being assumed by the Cardinal Secretary of State. In other respects the constitution is the

usual one: a number of cardinals, two secretaries and a staff of consultors.

There are also admitted as *Apprendisti,* or *Aspiranti,* clerics who desire to devote themselves to the papal diplomatic career, in order to make themselves thoroughly conversant with the affairs of the diplomatic service. Upon passing a special examination they are appointed to the service of the apostolic nunciatures (comp. the *Studio* of the *Congr. Concilii*). The offices of the Congregation are in the Vatican Palace.

Scope of Labors.—Distinction is made between the extraordinary and the ordinary business of the Congregation. To the former belong all matters not coming within the competence of other Congregations, but particularly affecting the interests of the universal Church. The chief category are ecclesiastical-political agreements between the Church and state governments, so-called concordats. But also other matters of political moment may be assigned by the Pope to this Congregation, even though they would, by their general circumstances, belong to the resort of some other Congregation. In this sense, therefore, the competency of the Congregation for Extraordinary Ecclesiastical Affairs is unrestricted.

The ordinary work consists of the entire ecclesiastical government of certain ecclesiastical territories, such that are not subject to the *Propaganda* nor to the other Congregations, and which on certain historical occasions were placed, first provisionally and then definitely, under the

charge of the *Congregatio super negotiis ecclesiasticis extraordinariis.**

The most important territories subject to this Congregation are the dioceses of the South American states, also seven apostolic vicariates and three apostolic prefectures in South America; the three apostolic delegations of Cuba, the Philippines and Mexico; the Catholic dioceses of Russia, and the parts of Asia and Africa under Portuguese suzerainty. Within this sphere the Congregation of Extraordinary Affairs is active in the same capacity as the *Propaganda* in the instance of missionary districts.

Mode of Procedure.—The routine business is prepared by the secretary and submitted to the Pope at weekly audiences (on Tuesdays). For discussion of weighty matters plenary assemblies of the Congregation are called. If the matters under consideration affect missionary affairs some cardinals of the *Propaganda* take part in the meetings (*Congregationes mixtae*), and frequently there are extraordinary cardinals' commissions appointed from among the

* When in 1820 several states of South America declared their independence of Spain, they also declined to deal further with the Spanish *Agencia de preces* which had heretofore acted as intermediary in the intercourse between the Spanish Colonies and the Holy See. The mother country, on the other hand, sought to prevent the direct relation of the Colonies with Rome, because the granting of such privilege would have meant the recognition by the Holy See of the political independence of these countries. Both parties finally agreed to Rome's proposition that the bishoprics of the Spanish (and later of the Portuguese) Colonies be placed under the Congregation for Extraordinary Ecclesiastical Affairs. The originally provisional measure became permanent since 1850, and has since been extended to other territories, as above stated.

members to take charge of some special matters (*Congregationes particulares*). The Congregation of Extraordinary Ecclesiastical Matters is in so far a *Congregatio sui generis,* as it has the peculiar character of a consulting but not a deciding body. All matters must be submitted to the Pope for final decision, which explains the fact that all rescripts bear the superscription: *Ex Audientia SSmi.* As in the case of the *Propaganda,* so are also the rescripts of this Congregation in all cases dispatched *gratis quocumque titulo.*

The *Sacra Congregatio Studiorum*

Origin.—Boniface VIII founded, June 6, 1303, by his Bull *In supremae,* the Roman University (*Sapienza*), and on July 1, of the same year, by his Bull *Conditoris,* the University of Avignon. Chiefly for the reform of the Roman University, Sixtus V created, in the Constitution *Immensa,* a Congregation of five cardinals *Pro universitate Studii Romani,* placing under its charge also the colleges of Rome, and the universities at Paris, Oxford, Bologna and Salamanca, which then enjoyed papal protection.

Leo XII, in the Bull *Quod divina sapientia,* of August 24, 1824, appointed the *Congregatio Studiorum,* to exercise supreme supervision over all universities and colleges in Rome and the papal states. When, in 1870, the activity of the Congregation ceased in the papal states, it assumed once more supreme control over all those Catholic universities that had, after the model of the free Catholic University at Louvain, been called into existence during the last century

in considerable number in France, England, America, Switzerland, Luxembourg and Spain.

Organization.—The constitution does not vary from that of other Congregations; the official staff consisting of cardinal-prefect and cardinal members (among whom there had to be, according to the now obsolete Bull of Leo XII, the Cardinal Secretary of State, the Chamberlain of the Holy Roman Church and the Prefect of the Congregation of the Index), a secretary and consultors.

The bureau is located in the *Cancellaria Apostolica.*

Scope of Labors.—The task of this Congregation is to watch over and promote the interior and exterior advancement of the Catholic universities. It ratifies new statutes and revises old ones, decides disputes between professors and students, etc. In some instances this Congregation has the privilege of nominating or confirming the rector and the chancellor of a university, and to confirm the appointment of professors. Upon the recommendation of the Congregation there are granted certain privileges by the Pope, as, for instance, the right to bestow degrees, insignia for professors and graduates, etc. On September 15, 1897, the cardinal-prefect addressed a circular letter to all bishops in whose dioceses there are theological schools, giving directions about the method and duration of theological, philosophical and canonistical studies, and conveying the Pope's desire that Catholic universities should serve for the higher scientific education of the clergy not only of their respective diocese, but of their entire province.

The *Sacra Congregatio Reverendae Fabricae S. Petri*

ORIGIN.—Julius II invited, by the grant of Indulgences, the whole of Christendom to take part in the rebuilding of St. Peter's, and his successor, Leo X, devoted the *pia legata incerta* to this purpose. Later, Clement VII appointed a college of sixty persons, who were to act as trustees for the gifts contributed by the entire Catholic world for St. Peter's Cathedral. Clement VIII abrogated this college and founded the *Congregatio Reverendae Fabricae S. Petri,* at the head of which he placed the cardinal-archpriest of St. Peter's. The new Congregation gradually divided itself into a *Congregatio generalis* and *particularis,* the former deciding disputed matters and the latter conducting the administration. Benedict XIV, in 1751, ratified this division into two parts by the Constitution *Quanta curarum,* but Pius IX discontinued, in 1863, the judicial tribunal, so that the original form was re-established.

ORGANIZATION.—Prefect is the cardinal-priest of St. Peter's, assisted by the *Oeconomus* of the same church as secretary. A small number of cardinals are members of the Congregation. The subordinate officials are classed into different sections corresponding with their tasks; the *Secretaria ecclesiastica* has charge of matters spiritual, the *Sectio administrativa* manages the finances, the *Sectio legalis* legal matters, the *Sectio technica* the construction affairs, etc. To the latter department belongs the celebrated *Studio del Mosaico,* founded by Sixtus V, for the decoration of St. Peter's Church with mosaics.

The bureaux are located at 1 *Via d'Aracoeli,* in the vicinity of the Capitol.

Scope of Labors.—The *Congregatio Fabricae S. Petri* had formerly, besides managing the affairs of St. Peter's, the privilege to act as trustee for pious bequests and legacies, and also to collect for the fund of St. Peter's the donations made in a general way for good works, or bestowed on institutions disqualified from acquisition (such as Capuchin monasteries, houses of profession of the Jesuits). This function was, until 1863, within the jurisdiction of the papal states exercised by this tribunal, with a large staff of officials. At present the Congregation, besides managing the fund, is only privileged, 1. to absolve poor heirs, in arrears in the execution of pious bequests, from their obligations upon payment of a moderate amount to the fund of St. Peter's. It can also permit the release (*affrancazione*) from pious works on payment of a stipend to the episcopal administration; 2. it reduces, *ad tempus,* obligations of Masses, founded for a certain time or in perpetuity, against certain *Componenda* to the erection of St. Peter's, and releases from obligations of time, hour, place and altar*; 3. it grants to bishops the power to reduce obligations of good works.

The *Sacra Congregatio Lauretana*

Origin.—Sixtus IV (1471-1484) withdrew the shrine at Loreto from the jurisdiction of the diocesan Bishop of

* For the reduction of Masses and commutation of pious legacies the *Congr. Concilii* is also competent; the requirement of *Componenda,* however, is peculiar to the *Congr. Fabricae S. Petri.*

Reconati and placed it directly under that of the Apostolic See. Innocent XII, in the Bull *Sacrosancta Redemptoris,* of August 9, 1698, created a special Congregation of Cardinals and prelates to undertake the care for the sanctuary.

Organization.—In addition to the Cardinal Secretary of State as prefect, the Congregation numbers at present fourteen cardinal members, a secretary, counsel and architect.

The bureau is located in the *Dataria Apostolica.*

Scope of Labors.—Before the Piedmontese, in the year 1860, annexed the province Picenum of the papal states, in which Loreto is situated, the Congregation exercised a civil authority. Since that time it only occupies itself with the fiscal management and spiritual supervision.

In the former the Congregation is not a little hampered by the fact that the Italian government has declared the Basilica of Loreto a national monument. At the present time the Congregation is conducting the vast work of restoration, begun in 1894 on the occasion of the six hundredth jubilee of the translation of the sanctuary.

The *Sacra Congregatio Visitationis Apostolicae*

Origin.—To fulfil within the diocese of Rome the obligation of the visitation, anew urged upon the bishops by the Council of Trent, in *Sess. XXIV, c.* 3 *de reform,* Clement VIII founded, by the Constitution *Speculatores,* June 8, 1592, a special *Congregatio Visitationis Apostolicae,* the faculties of which were increased by several Bulls of Innocent XII, in the year 1693.

ORGANIZATION.—Prefect is the Pope in his capacity as Bishop of Rome; his representative, the cardinal-vicar, is the president, assisted by a secretary. The Congregation has a number of consultors, to whom the secretary of the cardinal-vicar counts *ex officio*. There are also some subordinate officials.

The bureau is located in the *Cancellaria Apostolica*.

SCOPE OF LABORS.—Distinction is made between *Visitatio ordinaria* and *extraordinaria*. The latter is usually directed at the beginning of a new pontificate in a special Constitution by the Pope, and executed by a special commission of cardinals and prelates in solemn manner, by personal visitation to all the churches and pious institutions of Rome.

The *Congr. Visitationis Apostolicae* is not directly concerned in this extraordinary visitation, yet all important matters resulting from it must be submitted to it for final decision. The most recent visitation was directed by Pius X in the Bull *Quum arcano Dei,* February, 1904; it was begun on Low Sunday of the same year in the Church of the Lateran.

The ordinary visitation takes place annually, on which occasion the *Congr. Visitationis Apostolicae* inquires into the fulfilment of founded Masses and other pious foundations. For this purpose the rectors of churches and the superiors of institutions must submit their accounts to the Congregation. For the Roman diocese the Congregation has in its power the granting of reductions of Masses and the *sanatio* of their omissions. Furthermore, it supervises

pious legacies and approves of acceptance in the case of new foundations. This Congregation affords proof of the conscientious control exercised by the ecclesiastical superiors for the fulfilment of ecclesiastical foundations.

The Newest Commissions of Cardinals

THE COMMISSIO PONTIFICIA PRO REUNIONE ECCLESIARUM DISSIDENTIUM.—After Leo XIII, in his apostolic letter of November 30, 1894, *Orientalium dignitas,* had invited the eastern churches to reunion with Rome, he created, by the *Motu proprio* of March 19, 1895, a special papal commission, with the charge to discuss and promote steps for carrying out this grand design. Although the commission has not as yet shown important practical results, it is, nevertheless, of great significance as a monument of the magnanimous intentions of Leo XIII, and of his wise endeavor to facilitate to eastern churches the return to union with the Mother Church, by broad concessions in liturgy and disciplinary matters.

The commission has for its prefect the Pope; it consists at present of seven cardinal members, has its own secretary and a number of consultors. Of the latter there are some nominated by the Pope and others elected by the eastern patriarchs.

THE COMMISSIO PRAESERVATIONIS FIDEI.—This commission of cardinals is, by reason of the similarity of its work, closely related to the preceding one. It was created by Leo XIII in the *Motu proprio* of November 25, 1902, with the

purpose to oppose the spread of Protestantism in Italy, and especially in the eternal city. Its task includes the promotion of Catholic religious instruction, the furtherance of Catholic associations, the distribution of good books, etc. The commission at present consists of seven cardinal members, a secretary and five consultors. It is assisted by a *Giunta amministrativa* and a *Commitato di signori.* (See *Acta S. Sedis* XXXVII (1904) p. 290 ss.)

The Commissio studiis historicis praeposita.—This commission also owes its origin to Leo XIII, the generous promoter of historical research. Having thrown open the Vatican archives, the Pope addressed, on August 18, 1883, to the Cardinals de Luca, Pitra and Hergenröther the celebrated Brief *Saepenumero considerantes* on historical studies, appointing these three cardinals as members of the newly erected commission for historical studies. Gradually the number of the cardinal members was increased, the office of secretary was established and several specialists appointed as consultors. For some years, however, the secretary's post has been vacant, and the number of cardinals has diminished to two, namely, the Cardinal Librarian and the Cardinal Archivist of the Holy Roman Church.

The Commissio studiis biblicis praeposita.—Leo XIII promulgated, on November 18, 1893, his famous encyclical *Providentissimus Deus,* on the study of the Holy Scriptures, and erected by the Brief *Vigilantiae studiique memores,* of October 30, 1902, this special Commission of

Cardinals for Biblical Studies. The commission at present consists of five cardinals, and a large number of consultors, selected from among the best authorities on Holy Scripture throughout the Catholic world. The names of the consultors are, however, not given in the official *Gerarchia cattolica.* According to the intention of its founder this Commission of Biblical Studies has the task of defending the truth of the Catholic faith on the authority of the Holy Scriptures, of promoting the progress of Catholic research in the explanation of the holy books, also to decide important controversies on Biblical subjects among Catholic scholars, and to reply to proposed questions. The commission, furthermore, is required to arrange a special department for Biblical studies in the Vatican library and to found a periodical and an institute for the science of Biblical studies. Pius X conferred, in the first months of his pontificate, on February 26, 1904, upon the commission the privilege to bestow academical degrees in the branches of Holy Scriptures upon priests proficient in Holy Scriptures, and already in degrees of theology. The order for examinations is published in *Acta S. Sedis,* XXXVII (1904), p. 127 ss. Another manifestation of the great interest taken by the present Pope in this branch of theological science is found in his important rescript of March 17, 1906, on the order of Biblical studies in seminaries.

Of the decisions issued by this commission there should be specially mentioned *Circa citationes implicitas in S.*

Scriptura contentas, of February 13, 1905, and, *De Mosaica authentia Pentateuchi,* of June 27, 1906.

The Commission for the Codification of Canon Law. —The Pontiffs Gregor IX, Boniface VIII and Clement V had in their Collections of Decrees erected a structure of canonical jurisprudence, that may well be compared to the earlier monumental work of the Justinian codification. Ecclesiastical legislation was in their time at the height of its moral and intellectual power, and in the legal regulation of the life of the Church it gave expression to the highest aspirations of the Christian religion. Notwithstanding all this, the work was not calculated to suffice for all times, nor could it so be. In contrast with the immutable dogmas of the Church her ecclesiastical laws (*leges ecclesiasticae*) have only a relative character, subject to development by the changes of times and local conditions. Already the immediate successors of the Popes referred to above handed down a larger or smaller number of new constitutions, which confirmed, supplemented or corrected those codified by their predecessors. And since then there has not been a pontificate of any duration or importance that has not contributed to the code of laws of the Church. The praiseworthy intention in all instances was, of course, the effort to bring the ecclesiastical jurisprudence into harmony with the requirements of the times. And this was imperative if Canon Law was not to become either an oppressive straitjacket or an empty letter. Hence it happened that in the course of time

and events there appeared in the train of the uniform *Corpus Juris Canonici* a long list of special laws, which, deposited in numberless collections, made reference and application very difficult. The want of a systematical revision of the entire Canon Law soon made itself severely felt. A suitable codification and revision has often been demanded, and, as a matter of fact, it was one of the labors which the Vatican Council intended to perform, had not the early adjournment interfered.

In appreciation of the urgent need our holy Father Pius X undertook to make arrangements for a revision, and in his *Motu proprio: Arduum sane,* March 19, 1904, he created the Commission for the Codification of the Canon Law. The aim and importance of the undertaking will be apparent when thought is given to the two principles laid down for the work by the holy Father. In first place he wishes to make easy the access to Canon Law, by assembling all valid acts into one code. This is expressed by the title of the *Motu proprio,* which reads, "De ecclesiae legibus in unum redigendis." In place of innumerable and inadequately accessible separate statutes there is to be compiled one single code, to serve alike to clergy and laity in offering them lucid information on all matters of Church law. The extraordinary benefit and the significant progress to be accomplished by this undertaking are obvious. Hence the joyous acclamation which greeted this *Motu proprio* throughout the entire Catholic world.

Of still greater moment, however, appears to be the sec-

ond principle governing the work of this revision, namely, the endeavor to make all legal precepts fit the conditions of the present age. It is unnecessary to point out that the state of society and sciences in the thirteenth century, which were of chief influence for the intrinsic construction of the *Corpus Juris Canonici,* have given way to materially changed conditions. How greatly needed a thorough revision of the laws is may be demonstrated here by a few illustrations.

To begin with the ecclesiastical political constitutions, there can be no question that many of the decrees found in the *Corpus Juris Canonici* are now of merely historical interest, since in our age the idea of the temporal supremacy of Church over state has become untenable. Obsolete decrees of this character should no doubt be formally discontinued. Nor will anybody argue for the retention of certain harsh measures in ancient laws concerning heretics. These laws originated from a close union between Church and state, a union which no longer exists, and we should return to the views of the Fathers of the Church, those of St. Ambrose for instance, who energetically protested against the execution of the heretic Priscillianus. So are the marriage laws, the regulations of ecclesiastical court procedure, and prescripts in other matters, antiquated in some respects and not conforming to present day science and customs.

On the other hand there is need of more precise legislation in other directions, and, all these things considered,

the importance of the prescribed codification and revision will be readily understood.

The opening words of the *Motu proprio* indicate that the codification of the Canon Law is to carry out the sublime motto of Pius X: *Instaurare omnia in Christo!* May this wish of our holy Father be fulfilled, so that in a future Bull, promulgating the accomplished new code of Canon Law, he may be in a position to repeat the words of Emperor Justinian: "Se perfecisse juvante Deo, quod nemo ante suum imperium unquam speravit neque humano ingenio possibile esse penitus existimavit."

Organization and Mode of Procedure of the Commission.—In the *Motu proprio* referred to, it is directed that the Commission be constituted of a number of cardinals appointed by the Pope, presided over by his Holiness, or, in his absence, by the dean of cardinals; furthermore, there will be given to this commission the assistance of consultors, experts in Canon and theological law.

By circular letter, dated March 25, 1904, the Cardinal Secretary of State, Merry del Val, ordained, in the name of his Holiness, that the archbishops, within four months after receipt of the letter and upon consultation with their suffragans, should submit *desiderata* in relation to a revision of the Canon Law. To the bishops of the various nations was also given permission by the holy Father to send specialists in Canon and theological law to Rome, to be admitted as consultors. They were also privileged to commission one of the official consultors with their particular representation.

II. The Offices (*Officia*) of the Roman Curia

The *Secretariae palatinae*

These secretariates form at present a conspicuous element in the papal administration. They stand in close relation to the papal court, for which reason they are distinguished to this day by the title of *Secretariae palatinae.* Although not established until toward the end of the Middle Ages, they surpass in degree of importance even the Apostolic Chancery and the Apostolic Chamber, of which they may historically be considered to be branches. First rank should be given to the world famous office of the Secretary of State.

I. The Secretaria Status

Origin.—The first beginnings of this office reach back to the fifteenth and sixteenth centuries, the time when diplomatic embassies at princely courts came into vogue, and when the increased participation in world politics on part of the papal state made necessary a special staff for these affairs. The supreme direction of this political body was originally conducted by the so-called *cardinal-nepos,* a near relative of the Pope, assisted by several secretaries of state. The *cardinal-nepos* was given the title *Secretarius Papae et Superintendens Status ecclesiastici.*

When toward the close of the seventeenth century nepotism as a political system in the government of the papal states disappeared, the Secretary of State assumed

his former master's position, taking the title of Cardinal Secretary of State. This arrangement was given stability particularly by Innocent XII, through the celebrated Bull *Romanum decet Pontificem*, of June 22, 1692, which condemned nepotism.

Organization.—The *Secretaria Status* is most simply organized, the Cardinal Secretary of State having but one single assistant, the so-called *substitutus*, who at the same time is secretary of the ciphers. The other officials are the subordinates of the office staff. The bureau of the Secretariate is located in the Vatican Palace.

Scope of Labors.—In the latter period of the papal states the Cardinal Secretary of State presided at meetings of the ministerial council (ministers of the interior, of justice, finances, commerce, industry and agriculture, war); he also conducted the diplomatic affairs with foreign powers (as Minister of the Exterior), and drew up treaties for the papal state. Although his political activity as Cardinal Secretary of State ceased with the annexation of the papal states in 1870, the office nevertheless remained as the chief confidential appointment at the papal court. His province is now the conduct of papal diplomatic affairs, in which the Cardinal Secretary of State, as the *alter ego* of the Pope, represents the Holy See in its relations with the diplomatic corps at the papal court* and with

* At the present time eighteen countries are represented by diplomatic representatives at the Holy See. Austria-Hungary, Spain, Portugal (all these by Ambassadors), France, Bavaria, Belgium,

the apostolic Nuncios.* As the Pope's particular cabinet officer the Cardinal Secretary of State responds to the numerous telegrams, letters and dispatches received by the Holy Father. The Pope, furthermore, makes use of his mediation in taking public position on questions of the day, also for the expression of felicitation and commendation to princes, bishops and private individuals. The Pope makes appointments in the Curia through the Secretary of State. Distinctions bestowed by the Holy Father in Briefs, as for instance titles, papal orders and decorations,† are

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Monaco, Argentine, Bolivia, Brazil, Chili, Costa Rica, St. Domingo, Haiti, Nicaragua, Peru (all these by Ministers); Russia by a resident Minister and Colombia by a resident Chargé d'Affaires.

*The Holy See is represented in Austro-Hungary, Spain and Portugal by Nuntiatures of the first class; in Bavaria, Belgium and Brazil by Nuntiatures of the second class; by an *Inter-Nuncio* in Buenos Ayres for Argentine, Uruguay and Paraguay; by Apostolic Delegates and Ministers Extraordinary in Chili, Colombia, in Lima (for Ecuador, Bolivia and Peru), in Porto Principe (for St. Domingo, Haiti and Venezuela); by a resident Chargé d'Affaires in Holland and Luxembourg. The diplomatic relations between France and the Holy See are severed at the present time, the Apostolic Nuncio, Lorenzelli, having definitely left Paris on July 30, 1904.

†The papal orders are: 1. The Order of Christ, the highest of all, founded by Pope John XXII in 1320, it has only the class of knights. 2. The Order of Pius, since 1847, three classes; knightship, commandery and the Grand Cross. 3. Order of St. Gregory the Great, since 1831. With three classes. 4. The Order of Silvester, remodeled by Gregory XVII, 1841, from the ancient order of the "Golden Militia," or the "Golden Spur." With three classes. 5. The Order of the "Golden Militia" (*Militiae auratae*) or the "Golden Spur" (*ab aureo calcari*), founded, according to tradition, by Sylvester I, amalgamated with the Sylvester Order by Gregory XVI, and re-established by Pius X, February 7, 1905, as independent Order of Knights under the protection of the Immaculate Virgin Mother of God; it has only the class of knights. 6. Order of the Holy Sepulchre, founded probably by Alexander VI in 1496,

frequently the result of suggestion by the Secretary of State, who through his relations with nuncios and bishops is well informed in such matters.

II. The Secretaria Brevium

Meaning of Briefs.—The apostolic missives are classed as Bulls, Briefs and simple letters (*literae simplices*). The papal Briefs are distinguished from the Bulls by their less ceremonious form, being written in the Latin language on narrow and thin sheets of parchment of varying size, signed by the Secretary of Briefs or his substitute, and sealed with the Fisherman's ring. The Brief is dated according to the modern calendar and bears at the head the Pope's name, thus, *Pius PP. X.* Since they came into use, in the fifteenth century, Briefs have rapidly multiplied, so that they are now used, along with Bulls, even in important matters. Pius IX, in 1850, erected by Brief the new ecclesiastical hierarchy in England, and Leo XIII, in 1878, in like manner the hierarchy in Scotland. The Jesuit Order was established in 1540 by Bull of Paul III, abolished by Clement XIV in 1773 by a Brief, and reinstated by Pius VII in 1814 by a Bull.

Origin of the Secretaria Brevium.—A College of

bestowed formerly by the Franciscans as Guardians of the Holy Sepulchre. In 1847 Pius IX transferred this privilege to the Patriarch of Jerusalem, on whom he bestowed the title of Grand Master of this Order; with three classes. Of decorations there are the cross *Pro Ecclesia et Pontifice,* and the medal *Benemerenti.*

Apostolic Secretaries has been traced back as far as the fourteenth and fifteenth centuries. The Secretariate of Briefs in its present form was instituted by Innocent XI in the Bull *Romanus Pontifex,* of April 1, 1678, who at the same time separated from it the Secretariate of Briefs to Princes.

Organization.—At the head of the Secretariate of Briefs stands the secretary, since 1738 selected from among the cardinals, before that from the body of prelates at the Roman Curia. The secretary is assisted by a substitute; several officials compose the minutes (*Minuta*), which the Pope, at the audience to the substitute, signs with *placet* and his baptismal name, J(osephus) for instance.

The Bureau is located in the *Cancellaria Apostolica.*

Scope of Labors.—Benedict XIV, in the Bull *Gravissimum Ecclesiae,* of November 26, 1745, enumerates all favors that may be granted by the Secretariate of Briefs, either independently or in concurrence with the *Dataria.* Some of the most frequent matters of which the Secretary of Briefs may dispose *Vigore facultatum,* without being required to submit them to the Holy Father, are: dispensation from the canonical age for Holy Orders, the privilege of a private chapel, and the indult to preserve the Blessed Sacrament in private chapels and public churches where no actual parochial work is done.

The Secretary of Briefs, furthermore, bestows *ad septennium* the faculty to bless and endow crucifixes, medals and rosaries with the papal indulgences, grants the *indultum*

personale, or *reale,* of the *Altare privilegiatum,* the Portiuncula indulgence, etc. Papal orders and titles of nobility, the titles of papal domestic prelate, of apostolic protonotary *ad instar participantium,* and of *protonotarius apostolicus titularis seu honorarius,* are bestowed by papal Brief. Leo XIII recently increased the importance of the Secretariate of Briefs by transferring to it, by *Motu proprio* of October 31, 1897, the exclusive granting of almost all indulgences.*

III. The Secretaria Brevium ad Principes

Created by Innocent XI, in the Bull *Romanus Pontifex,* of April 1, 1678, this secretariate serves, as its name implies, for the composing of apostolic Briefs to kings, princes, bishops and other persons of rank. The staff of this secretariate being very proficient in a superior style of composition, the Pope frequently entrusts to it the elaboration of allocutions, encyclicals, etc. As secretary of this office a prelate at the Roman Curia is usually appointed, assisted by two subordinate officials.

IV. The Secretaria Literarum Latinarum

For the composition of Latin Briefs, such as are not dispatched by the two preceding secretariates, there is the Secretariate of Latin Briefs. The staff of this administration consists of a secretary (a prelate) and a subordinate official.

* See page 91.

The *Cancellaria Apostolica*

ORIGIN.—The first inceptions of the Papal Chancery date from the days of earliest Christendom, although the positive data of its beginnings are not recorded. Under Constantine the Great the chancery assumed a more definite and official form, presumably modeled after the Roman State Chancery. In the reign of Pope Damasus I (366-384) there is record of a papal archive, for which this Pope erected a new edifice at the Church of *S. Lorenzo in Damaso*. With the archive was connected the papal library, and both were, before the year 649, transferred to the Lateran. Already under Gregory the Great the notaries of the Roman Church (*Notarii s. ecclesiae Romanae*) were joined into a school (*schola*), at the head of which stood the *Primicerius notariorum*. The latter was chief of the Papal Chancery, and in his capacity as head of the *Iudices palatini* he was the most influential official in the papal administration.

Very early, since the time of Leo III at least, there was a librarian of the Roman Church, the office being even held, about 850, by a bishop of Ostia. With the disappearance of the palatine judges, about the middle of the eleventh century, the supreme direction of the Papal Chancery was vested in cardinals, who were given the title of Librarian, or Chancellor, of the Roman Church. Beginning with Honorius III, there were for the period of a century appointed to the chief office simple priests, instead of cardinals, with the title of vice-chancellor. By force of custom this title

was perpetuated even when Boniface VIII again placed cardinals at the head of the chancery. The notaries in this office were during the first thousand years the *Notarii regionarii et scriniarii S. R. E.,* until, under John XVIII (1006), the chancery began to detach itself from the local establishment of the Church in Rome, and palatine officials from the personal circle of the Popes assumed the duties of notaries, as officials of the *Sacrum Lateranense palatium.*

Organization.—Present conditions. The chief of the Apostolic Chancery is the *Vicecancellarius* S. R. E., selected by the Pope in Consistory from among the cardinals. Since 1690 he bears also the title *Summista,* Alexander VIII having united with the vice-chancellorship the office of *Summista* that had been created by Alexander VI (1500) for the dispatching of Bulls *per viam de Camera.* The *Regens Cancellariae et Subsummista* officiates as substitute for the vice-chancellor. Gregory XI, in 1376, appointed a *Regens Cancellariae* (in those times named also *Locumtenens,* or *Praesidens Cancellariae*), when, against the Pope's wishes, the Cardinal Vice-chancellor Monturcus remained at Avignon.

Next in rank there follows the *Collegium praelatorum abbreviatorum de parco maiori,* consisting of two departments: the *Abbreviatores participantes seu numerarii,* and the *Abbreviatores supranumerarii.* The *Abbreviatores* were originally assistants of the notaries and charged with the preparation of the acts. First mention of them is found

in the decisions of the first Council of Lyons, in 1245, where they are referred to as *Breviatores.* Since the second half of the fifteenth century there were of them three classes: *Abbreviatores primae visionis, de parco minori,* and *de parco maiori;* of all these classes there are at present only remnants of the last division. Their organization as a college the *abbreviatores* owe to two Constitutions of Pius II, of the years 1463 and 1464. Of special officials at the present time must yet be mentioned: 1. The *Substituti* of the above named prelates, four laymen with a lay dean at the head. 2. The *Substituti Minutantes,* who prepare the acts and perform the duties of archivist, protocolist, treasurer and fiscal agent. 3. The *Scriptores* for the elaboration of documents. Of *Scriptores litterarum apostolicarum* there is record since the thirteenth century. They were joined into a college of Eugene IV, through the Bull *Sicut prudens,* of June 7, 1445.

The palace of the Apostolic Chancery is situated *Corso Vittorio Emanuele* and *Piazza della Cancellaria.*

Scope of Labors.—The importance of the Apostolic Chancery in the Middle Ages differed vastly from its position in our days. In the early ages it shared, with the Apostolic Chamber (of later origin), the position of greatest importance among the few offices at the Roman Curia. St. Bernard hardly exaggerated its importance when in a letter to Cardinal Haimerich, at that time Chancellor of the Roman Church, he described the office thus: "As hardly anything of moment happens in any part of the globe that

in some way or other does not come before the Roman Chancellor, and as hardly anything is considered approved that has not been sanctioned by his judgment, ameliorated by his advice, strengthened by his efforts, or established through his assistance, to whose hands but to his should be confided all that in just matters needs a satisfactory or a competent adjustment, since all that is judicious and praiseworthy has been accomplished through him? Hence we must regard the man who holds this position either as the most fortunate or as truly the most miserable, as he either participates in all that is worthy or else proves himself the enemy of everything that is good; with right, therefore, there should be his either all praise or supreme censure, corresponding with the issue of things and the merits of his endeavors."

When the Apostolic Dataria and the Secretariate of Briefs had been separated from the Apostolic Chancery, and the Congregations of Cardinals had established their own secretariates, there was of the Apostolic Chancery little more left than the memory of former splendor. The large and magnificent *Palazzo della Cancellaria,* since Clement VII the seat of the Papal Chancery, has now given housing to the offices of nearly all the Congregations and of the Secretariate of Briefs, only a small part being reserved for the Apostolic Chancery and for the domicile of the Vice-chancellor.

The Apostolic Chancery dispatches all those rescripts and decrees of the Pope that according to either law or

usage are published in form of Bulls, as, for instance, consistorial acts (nominations of cardinals, of bishops, etc.), also the solemn decrees (Constitutions) of the Popes and the granting of benefices by the Apostolic Dataria. Marriage dispensations are usually forwarded through the Secretariate of Briefs *in forma Brevis*. Under date of February 13, 1904, the Apostolic Chancery was given a new order of business (*Costituzioni e Regolamento interno della Cancellaria Apostolica*), containing an introduction and fifteen chapters, with one hundred and eight articles. Its compilation had been suggested by Leo XIII, who appointed an extraordinary Commission of Cardinals for this purpose. Pius X granted confirmation on February 13, 1904.

Meaning, Form and Expedition of Bulls.—The most ancient form of papal documents is the Bull, deriving its name from the great capsule shaped seal (*bulla*). As distinguished from the Briefs, the Bull is the solemn form of papal letters, having after an old established custom numerous peculiar formulas and clauses. The material used is strong parchment. Up to the time of the *Motu proprio* of Leo XIII, of December 29, 1878, the Bulls were written in old Gothic letters (the so-called *Bollatici*); the ordinary Latin script, however, is used at the present time. The same Pope also prescribed for Bulls of lesser importance, as for the granting of *beneficia minora* (marriage dispensations), the use of a seal impression in place of the hanging seal. The superscription of a Bull reads: *Pius Episcopus Servus Servorum Dei. Ad futuram* (or *perpetuam*)

memoriam, if namely it is a decree of lasting value; otherwise, as in granting of benefices, and other specific matters: *Pius Episcopus Servus Servorum Dei, dilecto filio* (in the case of bishops: *venerabili fratri*) *N. N. salutem et Apostolicam benedictionem.* The dating is done after the style of the Incarnation (March 25) and the reckoning of the ancient Roman calendar. The Bull is consequently concluded in this style: *Datum Romae, apud Sanctum Petrum, anno Incarnationis Dominicae millesimo nongentesimo quarto, tertio Idus Februarii, Pontificatus Nostri anno secundo.*

The Pope signs with the formula: ✠ *Ego Pius Catholicae Ecclesiae Episcopus.* Bulls of canonization are signed by the Pope and all cardinals.

The expedition of Bulls takes place, 1. *per viam Cancellariae,* in cases where all provisions of the chancery regulations are rigidly observed; 2. *per viam de Camera* when taxes are levied but the chancery rules not strictly followed; expedition by way of the Apostolic Chamber is directed by the head of the chancery, in his capacity as *Summista;* 3. *per viam secretam,* when Bulls are forwarded gratis and without regard to chancery rules, as ordained by Pius V in the case of certain Bulls; 4. *per viam de Curia,* when Bulls are dispatched *extra Cancellariam et Cameram* and, the signatures of the Cardinal-Prodatary and of the Secretary of Briefs having been affixed, are recorded at the Secretariate of Briefs. The most important Bulls, as dogmatical decisions, canonization Bulls, etc., are dispatched

free of taxes *per viam de Curia,* since in the year 1735 Clement XII made this provision.

The different forms of Bulls are distinguished, according to the class of granted favors, and of the persons receiving them, as follows:

1. Bulls *in forma gratiosa* are issued in the case of bestowed benefices; they are addressed directly to the beneficiaries.

2. Bulls *in forma gratiosa tribus iudicibus* are addressed to three executors who are to install the beneficiary in the benefice.

3. Bulls *in forma "Dignum"* empower a bishop to grant a certain benefice to a priest of his diocese for special merit. The Bull begins with the word *Dignum.*

4. Bulls *in forma commissoria* give to a bishop the faculty of granting a benefice to a certain priest under certain conditions.

5. Bulls *in forma "Rationi congruit"* are sent out by the Pope in cases where his predecessor had already assented to the petition. The Bull opens with the stated words.

6. Bulls *in forma pauperum* are dispatched to the canonically poor under whole or partial remission of the taxes.

Literature: Harry Breslau, *Handbuch der Urkundenlehre.* Leipzig 1889. J. B. Sägmüller, *Die Tätigkeit und Stellung der Cardinäle bis Papst Bonifaz VIII.* Freiburg 1896. E. V. Ottenthal, *Die Päpstlichen Kanzleiregeln von Johann XXII bis Nicolaus V.* 1888. M. Tangl, *Die Päpstlichen Kanzleiordnungen* 1200-1500. Innsbruck 1894. P. Kehr, *Scrinium und Palatium. Zur Geschichte des Päpstlichen Kanzleiwesens im* 11. *Jahrhundert.*

The *Dataria Apostolica*

ORIGIN.—As early as the middle of the thirteenth century there was established within the Apostolic Chancery a special receiving office, designated *Communis data,* and no notary was thereafter allowed to accept petitions directly from applicants. From this special office in the Chancery there developed in the fourteenth century a separate and independent bureau, the *Dataria Apostolica,* to which was assigned the handling and disposition of matters of favor. As an evidence that the newly established department was not lacking of work, there are still preserved in the archives of the Dataria the large number of 6,690 volumes solely from the pontificates of from Martin V to Pius VII.

ORGANIZATION.—The head of the Apostolic Dataria is the Cardinal-Prodatary; he does not bear the full title of datary because this office was considered formerly the privilege of prelates. Hence a cardinal could only officiate as prodatary, analogous to the usage still followed in the nunciatures, which are conducted by cardinals under the title of *pronuncius.* The substitute and first assistant to the prodatary has the title subdatary. The datary is divided into several sections, according to the various branches of its work, namely:

1. The section for the granting of benefices, with a prefect, a substitute, a reviser of supplications, a *Summista testimonialium* (for the preparation of the required testi-

monials), a taxator (for computing of taxes), a recorder, a special notary, and a *scriptor* for Bulls *per viam secretam.*

2. The section for marriage dispensations, which likewise has a prefect, a substitute, taxator, registrar of taxes, auditor of accounts, a *revisor* of Briefs and of supplications for Bulls, a recorder and an archivist.

3. The section for administration (*sectio administrativa*) consists of chambers of accounts and of the exchequer.

4. A special *Consilium Theologorum* is established for examining the acts in rectorship contests.

5. For the expedition of Bulls *per viam de Curia* there are responsible the Cardinal-Protonotary and an *abbreviator.*

6. Lastly, there is the College of Apostolic Speditionaries, who conclude the extensive organization.

Although this list of officials is by no means small, it was formerly considerably more extended. The present formation was brought about through a complete reorganization which Leo XIII, in the years 1897-1900, caused to be undertaken by a special Commission of Cardinals. The new *Regolamento* was confirmed by the Pope on February 6, 1901.

The offices are located in the Palace of the Apostolic Datary, in the vicinity of the Quirinal.

Scope of Labors.—The Apostolic Datary has the character of a papal court of favors, and its chief functions consist in bestowing of benefices and granting of marriage dispensations. As regards the former, there were

reserved to the Holy See, since the middle of the thirteenth century, the collations of numerous benefices, which were in so-called Chancery regulations minutely enumerated and gradually still further extended. Although at present, owing to concordats, the papal reservations in most countries have greatly been lessened or entirely abrogated, yet they are in Italy to the present day of considerable importance.

Marriage dispensations are granted by the datary *pro foro externo,* in the case of the canonical poor in concurrence with the S. Penitentiary. The forms for the seeking and granting of marriage dispensations have been published in revised style in the year 1901.*

The Apostolic Datary possesses also the faculty of granting dispensations in irregularities of consecration, and may give the papal consent for the alienation of Church property. Other less frequently occurring matters are recorded in the Bull *Gravissimum* of Benedict XIV of 1745, on the *divisio materiarum et gratiarum Apostolicarum.*†

Mode of Procedure.—Petitions for dispensations, together with the required attestations, are submitted through the Apostolic Speditionaries, whose mode of procedure has recently been regulated by statute of September 16, 1897. The recorder registers the chief data of the petition, and passes it on to the prefect or his substitute, who compares the petition with the proofs and prepares a con-

* *Formulae Apostolicae Datariae pro matrimonialibus dispensationibus iussu Emi Cardinalis Pro-Datarii* Caietani Aloisi-Masella *reformatae.* Romae 1901.

† See the chapter on the Secretariate of Briefs, page 114.

cise review for the report to the Pope, or to the Cardinal-Prodatary if the latter is privileged to grant the dispensation *vigore facultatum.* The Pope grants the supplication with the formula *Fiat ut petitur, placet,* or, *Fiat motu proprio;* as the favor in question is granted at the request of a petitioner or upon the Pope's own initiative. To this formula is added the first letter of the Pope's baptismal name *J(osephus).* If the prefect has power to give the dispensation he signs the document. The prefect then enters the concession of the dispensation, with the date, upon the petition of the speditionary, and refers the same to the taxator and the auditor of accounts, who fix the taxes. Has then the payment of the tax been attested on the petition, there follows the execution of a Brief or Bull, unless the expedition takes place *per simplicem Signaturam.** The originals of the signed petitions are preserved in the archives of the *Dataria.* The procedure in the granting of benefices is similar, having also been minutely regulated in the new *Regolamento della Dataria Apostolica,* of 1901.

Though the procedure has in the course of time been modified in many ways, it still bears plain evidences of the ancient rigid punctiliousness which demands the observance of profuse formalities; it has remained to this day a sharp contrast with the generally simple and expeditious procedure at the Roman Congregations.

* The prevailing formula of marriage dispensations reads: "Et cum decreto, quod sola praesentis Supplicationis Signatura sufficiat, et ubique fidem faciat in iudicio et extra illud, regula quacumque contraria non obstante."

The *Sacra Poenitentiaria Apostolica*

ORIGIN.—For the administration of the Sacrament of Penance it became very early the usage to appoint special confessors at prominent churches, originally in the East and later in the West. This was particularly the case in Rome, this city being visited at all seasons by multitudes of pilgrims, who came to atone for sins and crimes of past lives, or to obtain absolution from cases and censures reserved to the Pope.

When, since the eleventh century, the dispensations in matters of the universal Church law became more exclusively the privilege of the Holy See, this privilege was also delegated to the confessors appointed by the Pope. Of such apostolic confessors there is earliest record in the first half of the thirteenth century (Raymond of Pennafort); they were empowered and commissioned by the Pope to hear confessions, to absolve from papal censures and to grant dispensations. In the latter half of the thirteenth century there was already at their head a cardinal, bearing the title *Poenitentiarius Maior,* and having supreme direction of papal penitential and dispensation matters. The formulary of the Cardinal-Grand Penitentiary *Bentevenga dei Bentivenghi* (1279-1290) offers good information concerning the extent of the scope of his duties. Since Clement V ordained (*c. 2 in Clem. de elect. I.* 3) that the offices of the Grand Penitentiary, and the other penitentiaries, should continue even during a vacancy of the Apostolic See, it is evident that they had already obtained the *iurisdictio ordinaria.*

Organization.—The head of the Apostolic Penitentiary is the Cardinal-Grand Penitentiary, who has a substitute and first assistant in the *Regens Poenitentiariae,* always selected from among the auditors of the *Rota.* As specialists there are appointed the *Theologus* (from the Jesuit Order) for theological questions, and the *Canonista* for question of Canon Law. Other officials are the *Datarius* for registering the date upon rescripts, the *Corrector* for supervising the wording of documents, and the *Sigillator* for the keeping of the seal. The S. Penitentiary employs moreover a number of secretariates, copyists, an archivist and a treasurer. In a certain sense the *Poenitentiarii Minores,* namely the apostolic confessors of the three principal churches of Rome, St. Peter (Minor Conventuals), *Lateran* (Franciscans), and *St. Maria Maggiore* (Dominicans), belong to the Apostolic Penitentiary, but they are not listed as members in the *Gerarchia cattolica.* The officials of the Penitentiary are bound by oath of office to strictest secrecy. The offices are situated in the *Cancellaria Apostolica.*

Scope of Labors.—As the confessional may rightly be regarded as a tribunal of grace, the Apostolic Penitentiary is in the fullest sense a court of pardons. From its very beginning it granted absolution from offences and from ecclesiastical punishments, and bestowed in particular cases dispensations from observance of the general law. The range of its faculties has, however, greatly been lessened in the course of time, many of them having been given over to the Apostolic Datary and the Secretariate of Briefs.

Until the Constitution *In sublimi* of Pius V in 1562, the S. Penitentiary exercised jurisdiction also *pro foro externo,* which since then is exercised only in exceptional cases. The present competency has been minutely and thoroughly regulated by Benedict XIV, in the Bull *Pastor Bonus,* of April 13, 1744. The Cardinal Grand-Penitentiary possesses, according to this regulation, the powers:

1. To absolve from all sins and censures, barring some few that have been reserved to the Pope *specialissimo modo,* as, for instance, the violation of the *Secretum S. Officii.**

2. To dispense in all irregularities *in casibus tamen occultis.*

3. To perform the *sanatio* for titles of benefices, if the beneficiaries, owing to a secret disability or some other secret fault, have entered the same invalidly. An exception, however, is conscious *simonia realis.*

4. To remit to beneficiaries unlawfully acquired fruits of benefices, and to condone unlawfully acquired property if the delinquents are poor and the real owners unknown.

5. To release from oaths, and the reserved simple vows, *pro foro conscientiae,* provided no interests of third parties are violated.

6. To dispense wholly or partially from the obligation of the Breviary.

7. To grant marriage dispensations. For the granting of marriage dispensations are also competent: (a) The Secretariate of Briefs for dispensations to sovereign

* See page 55.

princes (Bull of Benedict XIV, *Gravissimum Ecclesiae,* of November 26, 1745). (b) The Congregation of the Holy Office for impediments to marriage within the province of faith, as differences of religion and creed, religious vows, and higher orders beginning with subdeacon. The *S. Officium,* moreover, grants, by virtue of special papal delegation, important marriage dispensations the details of which are to remain a secret. (c) The Congregation of the *Propaganda* for cases within the missionary districts. (d) The Congregation of Extraordinary Affairs within its territories, such as the dioceses of Russia and the South American States. In very special cases this Congregation grants marriage dispensations also to persons outside its ordinary sphere. The regular dispensation courts of the Pope are, nevertheless: (e) the Datary *pro foro externo,* and, (f) the Penitentiary *pro foro interno.* While this division was formerly rigidly adhered to, the Penitentiary is, since the French Revolution, when the Datary was temporarily suppressed, competent along with the latter to grant dispensations from public impediments to marriage, in cases where the poverty of the petitioner is assured by the testimony of the ordinary. As canonically poor, according to the practice of the Penitentiary and Datary, are rated (a) the *vere pauperes,* with a net property of less than 3000 lire, and (b) the *fere pauperes,* whose net wealth does not exceed 10,000 lire. Finally it should be noted that in specially urgent and unusual cases bishops may apply to the Cardinal Grand-Penitentiary for the granting of marriage

dispensations *pro foro externo,* even in cases other than the canonically poor.

Mode of Procedure.—In due deference to its importance for the salvation of souls, the procedure of the Penitentiary is simple and unceremonious. It allows every manner of communication, verbal or written, direct and indirect (through agents), and charges no fees. Only in dispensations from public impediments to marriage there is asked a certain tax, or *componenda, pro iuribus Datariae Apostolicae,* and this even is remitted in the cases of *pauperes miserabiles.* The agent's fee amounts to three lire. Petitions may be composed in any language, and the offices of the Penitentiary are, with sole exception of Sundays and public holidays, daily open from 9 to 12 o'clock. In urgent cases the secretaries and other officials of the Penitentiary receive petitions even at their private residences.

Literature: H. Denifle, *Die Älteste Taxrolle der Apostolischen Pönitentiarie.* (1888.) H. Ch. Lea, *A Formulary of the papal Penitentiary in the thirteenth century.* Philadelphia 1892. *The Taxes of the papal Penitentiary* (*English Historical Review*), 1893, p. 424. A. Lang, *Beiträge zur Geschichte der Apostolischen Pönitentiarie.*

III. The Tribunals (*Tribunalia*) of the Roman Curia

The *Sacra Rota Romana*

The juridical authorities of the Roman Curia, which, since the establishment of the Congregations of Cardinals, occupied themselves chiefly with the secular jurisdiction and the secular government of the papal states, have since the year 1870 sunk into almost complete insignificance, though in past times they enjoyed paramount influence and esteem. Hence it is for their almost exclusively historical interest, if we concern ourselves with the following executive bodies of jurisdiction and administration. The beginning may be made with the most venerable and respected tribunal of the world, the *Sacra Rota Romana.*

Origin.—When, in the twelfth and thirteenth centuries, the cases for papal jurisdiction accumulated to such an extent that they could no longer be fully attended to in papal Consistories, there is record of the Popes having intrusted cardinals and bishops, who happened to be in Rome, with either merely preliminary inquiry, or with the entire conduct of processes up to the confirmation of the final sentence by the Pope. Particularly the papal chaplains were pressed into this service, and on this account were given the title of *Auditores causarum sacri palatii apostolici.* The subsequent law court of the *Rota* was a development of this mandate of the Popes to the auditors of the Palace. Nicholas IV appointed several independent

judges (*Auditores*) for profane civil suits within the papal states, and Clement V established an independent court for ecclesiastical civil actions. In the course of the fourteenth or fifteenth century these two courts were merged into one.

The Roman *Rota*—this was the name given to the court of law—reached the climax of its power in the fifteenth century, but already in the following one its influence was considerably depreciated, in one respect, by the apostasy of nations through the Reformation, and, on the other hand, through the establishment of the Roman Congregations. Although the *Rota* retained its competency for ecclesiastical civil controversies (matters of marriage and benefices), in concurrence with the Congregations, its chief competency was the conduct of profane civil suits from within the papal states, until the catastrophe of 1870 set a limit to this activity.

Organization.—The earliest known basis of the formation of the Roman *Rota* is found in the famous Constitution of John XXII, *Ratio iuris,* of the year 1331, which prescribed likewise the form of the oath of office for the auditors and notaries of the *Rota.* While in the fourteenth century the number of auditors appears to have been considerable, it fell in the fifteenth century to about fourteen, and was finally and definitely fixed at twelve by Sixtus IV in the Bull *Romani pontificis,* of May 14, 1472. The head of the college of the *Rota* is the dean, always the senior-auditor, who presides at general meetings and exercises supervision over the other officials of the *Rota.* In

latter ages the custom arose of reserving three auditor appointments for the city of Rome, two for Spain, one each for Tuscany, Bologna, Ferrara, Germany, France, the Republic of Venice and Milan. After the French Revolution, however, there remained in force only the right of representation by Austria (in place of the German empire), France and Spain. In addition to the auditors, the *Rota* formerly had its own advocates, procurators and notaries, of whom the last two formed colleges of their own. While formerly every auditor employed four notaries, the activities of the *Rota* fell so considerably that Clement X fixed the total number of notaries at only four. At present the *Gerarchia cattolica* numbers as auditors of the *Rota* only nine prelates.

Scope of Labors.—In earliest times the competency of the *Rota* was not strictly regulated; it rather depended on special commissions by the Pope. Its most important matters were contested benefices and other ecclesiastical civil controversies from within the domain of the universal Church, also all profane civil contests within the papal states. Only criminal and fiscal matters were excluded from the forum of the *Rota*. After the *Rota* had been deprived of the greater part of its jurisdiction *de facto* by the erection of the Roman Congregations, Benedict XIV, in the Constitution *Iustitiae et pacis*, definitely fixed in the year 1746 the *Causae rotales*, and ordained that in future the court of the *Rota* could only be appealed to in second or higher instance. By the *Regolamento legislativo e giu-*

diciario of Gregory XVI, 1834, was the scope of work for the *Rota* once more defined.

When the original sphere of activity for the auditors of the *Rota* had disappeared by the now prevailing conditions, Leo XIII assigned them to the *Congr. Rituum,* and made them the judges of validity in apostolic processes of canonization and beatification. To several auditors were also given positions in the Commission of Prelates, appointed by Leo XIII in 1882 for deciding disputes of privileges between papal palace officials and the palace administration.

Mode of Procedure.—From its very beginning the *Rota* adopted the form of the Roman Canon Law procedure, and retained the same, except for the adoption of some simplified methods, during the entire period of its existence. The characteristic marks of this procedure are, 1. the rigid sequence of terms with numerous process stations (*Termini substantiales: ad dicendum contra commissionem, ad libellandum* [*litiscontestatio*], *ad articulandum* [the drawing of bills of complaints], *ad dicendum contra articulos, ad producendum omnia, ad dicendum contra producta, ad declarandum et iurandum de calumnia*); 2. the method of articulation, i. e., of reducing the points of dispute into definite *articuli* or *propositiones;* 3. the division of the process by means of the *conclusio* after the term *ad producendum omnia* into separate proceedings for proof and judgment.

A marked peculiarity of the procedure before the *Rota* was found in the fact that it began judicial proceedings by

order of a papal *commissio,* a circumstance which had evidently connection with the original delegation of papal chaplains in the matter of processes, and a highly interesting circumstance, therefore, in its historical bearing.

The preparation of the process was conducted by the *Auditor Ponens* nominated in the *Commissio;* for considerable time he had no *Votum,* the *Vota* being cast at the sessions of the *Rota* by the four so-called *Corresponsales,* who sat to the left of the *Auditor Ponens.* Corresponding with these *Vota* the *Auditor Ponens* had then to work out the *Decisiones,* which not only contained the findings in the contested points (*Dubia*), but also the detailed argument. On account of their detailed argument the *Decisiones Rotae* are of great value for canonical and secular jurisprudence.

Finally, in the last stage of the process, the party favored by the *Decisio* moved for the following session of the *Rota* the expedition of the judgment (*Sententia*), which was then by the *Auditor Ponens* publicly read and finally attested by his signature. This sentence or judgment contained only the verdict. This mode of procedure, here only superficially described, was eventually considered by many as tardy and cumbersome, and while the procedure at the *Rota* in times gone by may have been representative of progressive methods, it hardly deserved such credit in its latter period, since it can not be absolved from the reproach of inflexibility and inaptitude.

Collections of Decisiones S. Rotae Romanae.—The earliest collections of *Decisiones* were compiled by Guilel-

MUS HORBORCH (1376-1381), printed at Rome *per* UBALDUM GALLUM in 1472; and by AEGIDIUS DE BELLEMERE (1373-1377), printed at Rome in 1474. The collection by JOHANNES FRANC. DE PAVINIS was printed at Rome, 1477, and again at Pavia, 1485. In the following century LUDOVICUS GOMEZ wrote his *Decisiones Rotae, libri duo,* first published at Paris in 1546 and frequently reprinted thereafter. The best collection is that of P. FARINACIUS, *Ed. noviss.* VENET. 1716. In more recent times there have been collections without number.

Literature: DOMENICO BERNINO, *Il tribunale della S. Rota Romana.* ROMA 1717. (An excellent and not sufficiently appreciated work.) SÄGMÜLLER, *Die Entwicklung der Rota bis zur Bulle Johannes XXII. "Ratio Iuris" a.* 1331. (1895.) H. HENNER, *Zur Geschichte der Rota Romana.* 1895. N. HILLING, *Die Errichtung des Notare-Kollegiums an der römischen Rota durch Sixtus IV, im Jahre* 1477. (1904), etc.

The *Reverenda Camera Apostolica*

ORIGIN.—It was claimed formerly that the Chamberlain of the Holy Roman Church was the successor of the early Arch-deacons, who, from being simple officials appointed to care for the poor, rose, as is well known, to the position of influential administrators of public affairs, in many places second in rank only to the bishop. A close inspection of the functions and position of the papal Chamberlain, however, will demonstrate that he inherited his office from the former palatine officials, the *Arcarius, Saccellarius* (*iudices palatini*), and from the *Vestiarius* and *Vicedominus.* It has not been possible, however, to ascertain conclusively to

which of the officials just mentioned, individually or collectively, the Chamberlain is the particular successor. Since the end of the eleventh century we meet with the *Domini papae camerarius* as the highest fiscal official of the Holy See. Owing to the importance of this position there were, since the middle of the twelfth century, frequently cardinals commissioned with this post. The papal Chamberlain soon acquired in addition to the fiscal administration an extensive civil and penal jurisdiction, in particular he assumed supreme command of the administration of the Church in the event of a vacancy of the Holy See. In the matter of rank the Chamberlain was equal to the Vice-chancellor. In the auspicious times of the fifteenth century *Aeneas Sylvius,* the later Pope Pius II, depicted without exaggeration the official functions of the Chamberlain in these words:

"Patrimonii ecclesiae curam gerere et omnes Urbis magistratuum actus inspicere, providereque, ne quid res publica detrimenti patiatur, armigeros ecclesiae tueri et belli casus tractare pacique consulere, et qui nervi reipublicae dicuntur, pecuniarum habere curam."*

Organization.—(a) Historical development. The Chamberlain was the head of the Apostolic Chamber, his senior assistants being the *Clerici camerae,* who, employed at first generally, were eventually permanently assigned to different branches of the chamber. The number of clericals in the chamber soon assumed such proportions that in 1438 Eugene IV saw himself obliged to fix, by the Bull *Inter*

* *Apologia ad* D. Martinum Mayer.

cetera, the number of the *clerici camerae numerarii seu participantes* (these alone were salaried) at seven.*

In the thirteenth and fourteenth centuries there branched off from the office of Chamberlain several special assignments, subsequently developing into independent offices. The deputyship of the Chamberlain was undertaken by the *Vicecamerarius,* as first prelate at the Roman Curia, to whom the important post of a *Gubernator Urbis* was first occasionally, and since the seventeenth century permanently, intrusted. The *Thesaurarius generalis Camerae apostolicae* had guardianship over the papal treasury, and supervision over the *Collectores* and *Subcollectores apostolici.* Of still greater responsibility was the position of *Auditor generalis Camerae apostolicae,* for whose support in the exercise of his extensive civil and penal jurisdiction there was created a tribunal of justice consisting of three prelates and nine *viri togati* (doctors of law).

The chief court of the Apostolic Chamber, however, was the *Tribunal plenae Camerae,* which had jurisdiction of second instance in all matters pertaining to finances and to the Chamber.† The college of Chamber clericals, with a dean at the head, furnished the members of this supreme tribunal of the Chamber. Its mode of procedure was modeled almost entirely upon the principles of practice at the *Rota.* It

* Pius V raised their number to twelve, Gregory XIII reduced it to eight, Sixtus V again increased it to ten, and afterward to twelve; since Leo XIII their number is nine.

† Compare *Regolamento legislativo e Giudiciaro* of Gregory XVI, November 10, 1834.

agreed with the procedure at the latter also in the peculiarity that before sentence was pronounced there were published the so-called *decisiones;* the Camera, however, needed no *commissio* or assignment from a judge of the *Signatura iustitiae,* or *gratiae,* hence the proverb: *Camera habet Signaturam in ventre.*

(b) Present state. According to the last report in the annual *Gerarchia cattolica* there belong to the *Rev. Camera Apostolica:* the *Camerlengo di Santa Romana Chiesa,* the *Vice-Camerlengo,* the *Uditore Generale della Rev. C. A.,* the *Tesoriere Generale della Camera,* nine *Prelati Chierici di Camera* and three lay subordinates.

What was formerly the palace of the Apostolic Chamber is now the Italian Parliament building on the *Monte Citorio.*

Scope of Labors.—Of the important and influential work formerly done by the Cardinal-Chamberlain, as well as by the various officials of the Apostolic Chamber (*Vicecamerarius, Auditor,* and *Thesaurarius generalis*), and the judicial court of the *Camera,* there now only remains the memory. Their offices and competencies having, in the course of time, been confined to the temporal government of the papal state, they were almost completely put out of activity by the events of 1870. The only actual rights are those exercised by the Cardinal-*Camerlengo* during the vacancy of the Apostolic See, when his is the privilege of directing the administration of the Apostolic palaces. In such an event there are among the duties of the *Camerlengo* those of ascertaining officially the death of the Pope, of

taking steps for assembling the Conclave, and of executing the instructions of the College of Cardinals. In demonstration of his jurisdiction he has a bodyguard of four soldiers from the papal household guards.

Literature: A. GOTTLOB, *Aus der Camera Apostolica des* 15. *Jahrhunderts.* INNSBRUCK 1889. L. KÖNIG, *Die Päpstliche Kammer unter Clemens V und Johannes XXII.* VIENNA 1894. J. P. KIRSCH, *Die Päpstlichen Kollectoren in Deutschland während des* 14. *Jahrhunderts.* 1894. The same author's: *Die Päpstlichen Annaten im Deutschland während des* 14. *Jahrhunderts.* 1903.

The *Signatura Iustitiae*

ORIGIN.—Under the head: *Supremo tribunale della Signatura papale di giustizia* the *Gerarchia cattolica* lists a number of prelates who bear the title of *Praelati votantes* and *Praelati referendarii.* The latter are the ones to be considered in tracing the history of the foundation of the *Signatura.* When with the establishment of the *Rota* a part of the papal chaplains were separated from the immediate judiciary offices of the Pope, there remained others who continued to make direct reports to the Pope in judiciary matters, and who therefore had the name *Referendarii.* It was not, however, the task of these referees to carry processes to a final decision, or to pronounce sentence upon the matter in dispute (the so-called *meritum causa*); it was their task, rather, to lay before the Pope an opinion as to whether the matter under consideration should be brought before the ecclesiastical tribunals, and also as to which particular court would be competent. As has been stated, the papal tribunals, especially the *Rota,* could not of their own

authority accept and decide law suits; they required for this a special commission from the Pope.* (Compare the *Commissiones Rotae*). The Pope had thus reserved to himself the exercise of supreme jurisdiction, and he ratified the *Commissiones* with his own signature, in consequence of which the office that prepared the commissions for signature received the name *Signatura.*

Organization.—(a) Historical development. Originally the referees worked out separate opinions upon submitted matters, either to be communicated to the Pope in writing, or to be discussed in his presence. Eventually there developed from this a particular court, the *Supremum tribunale signaturae iustitiae,* in which petitions were dealt with in formal legal procedure. The members of this tribunal received the title *Praelati votantes,* of whom there were originally twelve (under Alexander VII, 1659), but only seven since Gregory XVI (1834). The rest of the (non-voting) referees were called *Referendarii simplices.* The college of the *Votantes,* with a dean at the head, was presided over by the Cardinal-prefect, who in some cases signed the *Commissiones* in place of the Pope.

The Cardinal-prefect had for assistance originally an auditor, but this position was eventually advanced to the dignity of Secretary of the *Signatura,* whereupon the office of *Auditor praefecturae* was created as aid to the prefect.

* The Roman Congregations of Cardinals have at all times been exempt from this restriction, as they act directly in the Pope's name.

(b) Present state. At present the College of the *Praelati votantes* is completely appointed by its full status of seven members; the number of *Praelati referendarii* is forty-eight, among them a patriarch, six archbishops and two bishops; the other offices are vacant.

Scope of Labors.—Corresponding to the *Regolamento legislativo e giudiciario* of Gregory XVI, 1834, the supreme tribunal of the Signature had to decide: 1. petitions to suspend or to declare invalid (*circumscriptio*) proceedings and findings of courts; 2. disputes about competency among judges and courts; 3. controversies concerning the consolidation and recalling (*avocatio*) of litigated matters; 4. controversies in regard to the recusation of judges; 5. petitions for granting a new appeal.

Although this competency was bestowed *de iure* for the universal Church, it was *de facto* exercised only for the territory of the papal state, so that since the annexation in 1870 it is inactive.

The *Signatura Gratiae*

As kindred to the *Signatura* of Justice, there is to be mentioned the *Signatura* of Favor, although it has long since fallen into desuetude.*

* Cardinal de Luca already made complaint, over two hundred years ago, that the meetings of the *Signatura gratiae* were held so rarely. The last cardinal-prefect of this *Signatura* died in 1839. The oft quoted *Regolamento* of Gregory XVI takes of the *Signatura gratiae* as little notice as do the statistical handbooks of the Roman Curia.

Originally the referees at the Roman Curia reported to the Pope in matters of justice and favor alike for obtaining the signature of petitions. When later, however, a special *Signatura iustitiae* was formed, under the presidency of a cardinal-prefect, the *Signatura gratiae* continued under the personal presidency of the Pope, a real relic of the former consistorial councils. The *Signatura* of Favor, therefore, had at all times merely the character of a consulting board, of which the Pope availed himself in dealing with *extraordinary* matters of favor. At the head of the *Signatura gratiae* stood a cardinal-prefect; it shared the *Referendarii votantes* with the *Signatura iustitiae,* as also the *Referendarii simplices* (*Referendarii utriusque signaturae*), there were, however, also *Referendarii Signaturae gratiae tantum.**

* Several cardinals and various prelates of the Curia with regular jurisdiction, also the auditor and treasurer of the Apostolic Chamber, the dean of the *Rota,* the regent of the Chancery, and the *Vicesgerens* of the Cardinal Vicar, took part in the sessions, which were conducted in old established solemn fashion.

PART III

Procedure at the Roman Curia

INTRODUCTION

THE various Congregations, Offices and Tribunals of the Roman Curia, with whose name, organization, scope of labors and procedure we have become acquainted in the preceding chapters, are active in the tripartite sphere of legislation, judicature and administration.

For intercourse with the Roman Curia, for which the method is to be explained in this chapter, the department of legislation need not be considered.

The procedure in civil and penal actions will be dealt with as far as necessary for a general comprehension of the same; an exhaustive statement of the entire legal *modus operandi* would far exceed the limits of our present work.

Of chief importance for our purpose is the administrative department of the Roman court, for it is mainly in this direction that the Catholic faithful, both priest and laymen, may have occasion to apply to the Roman Congregations and courts. The chief aim of this work must therefore be to become a practical guide and helper to all those wishing to plead personally with the Roman authorities, for privileges, dispensations, faculties or absolutions.

We shall also fully explain the proceeding in the approbation of religious congregations with simple vows.

CHAPTER I

PETITIONS FOR PRIVILEGES, FACULTIES, DISPENSATIONS AND ABSOLUTIONS, AND THEIR FORMS

General Directions

In order to embody in this work authentic information about the regulations governing the intercourse with Rome of petitioners in territories dependent from the Propaganda, such as the United States, inquiry was made at the Apostolic Delegation in Washington, and in reply there have been received from His Excellency, the Most Rev. D. Falconio, Apostolic delegate, the following instructions:

Washington, August 21, 1907

"As a general principle, any petition or statement sent to Rome by a priest, must first be submitted to the bishop for information regarding the matter of said petitions or statements. Of course, a priest may send his communications directly to this Delegation, but this Delegation, following the above rule of the Roman Congregations, asks for information and the opinion of the bishops before taking any decision.

"If it is question of petitions sent to Rome for favors for the obtaining of which the endorsement of the bishop is not required (such as petitions for faculties to bless, for the altar privilege, etc.) naturally these petitions may be forwarded to Rome without the endorsement; however, I

beg to add, that in the rescript by which the favor asked is granted, there generally appears the clause 'de consensu Ordinarii.' These petitions may be sent directly to the different Congregations; however, for America,* the Sacred Congregation of the Propaganda is the usual channel; but in cases of conscience, everyone is free to address his case to the Sacred Penitentiary, or to the Holy Office.

Sincerely yours,

D. Falconio,

Apostolic Delegate."

Before applying to Rome for a faculty inquiry should therefore be *first* made of the episcopal ordinary of the diocese as to whether he is in a position to grant the desired faculty. In numerous matters bishops are empowered to sub-delegate faculties that have been granted to themselves. To the question: *An possit Episcopus dioecesanus subdelegare adsque speciali concessione suis Vicariis generalibus aut aliis Ecclesiasticis viris modo generali vel saltem pro casu particulari facultates ab Apostolica Sede sibi ad tempus delegatas?* The *S. Congr. Officii* answered on December 14, 1898: *Affirmative, dummodo id in facultatibus non prohibeatur, neque subdelegandi ius pro aliquibus tantum coarctetur; in hoc enim casu servanda erit adamussim forma Rescripti.* The faculties granted in Rome frequently surpass episcopal authorities in the extent of time and

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* Since this letter was written the status of the United States has, of course, been changed.

scope. Bishops, for instance, may grant the *facultas legendi libros prohibitos* for a period of three years, while the *Congregatio Indicis* gives this permission for a lifetime. It should be particularly noted that any sub-delegation by a bishop expires with his own delegation which has been granted only *ad tempus.*

Paper, Ink, Language and Style.—All petitions to be sent to Rome should be written on good paper, and a double sheet, 8⅛ x 10¾ inches, should be employed.

The writing of petitions should be done with ink of a good quality, that will remain legible for a long time. Petitions are generally composed in the Latin language, but the use of the Italian and French languages is also permissible.

Directions for Form, Address, Conclusion, Endorsements.—The fundamental rule should be observed that all petitions to Roman Congregations (the Apostolic Penitentiary alone excepted) must be addressed to the Pope, who, directly or indirectly, grants the requested favors. Hence the regulation form of address in all petitions reads: *Beatissime Pater.* This is followed by name, rank and the diocese of the petitioner, as for example: *N. N. sacerdos dioecesis Neo-Eboracen.,* or *N. N. parochus ecclesiae N., dioecesis Neo-Eboracen.;* following this the petition opens with the customary deferential phrase: *ad pedes Sanctitatis Vestrae humillime provolutus.*

The concluding formula is only indicated by its opening words: *Et Deus . . .*, or, *Pro qua gratia . . .* expressing

the prayer of blessing which the grateful petitioner addresses in advance to God for the expected favor. As regards the text of the petition itself, if it concerns a special personal matter, there can of course be given no general formulas and rules of style; this task must be left to the petitioner. The merit of the composition in regard to form and argument will depend essentially on the general education and practical experience of the petitioner. It will suffice, however, in any case, to present the petition in clear and suitable language, and this object, desirable for all concerned, will be attained all the more easily if the petition is drawn up in the following tripartite form: 1. A brief reference to the circumstances which cause the petitioner to present his request; 2. the petition itself in concise, clear and intelligent form; and, 3. a careful and minute statement of the reasons which will make the granting of the petition appear as either necessary or expedient. In the case of many petitions, however, the mere statement of the request will suffice, as the circumstances are of no import and the reasons may be presumed to exist. Hence there are stereotyped forms used for the usual supplications for favors and these are found on the following pages.

After introduction, body and ending of the petition have been duly drawn, the sheet is evenly folded lengthwise, and on its back, to the right of the fold line, there are to be endorsed the date of presentation and also the agent's name. The endorsement usually includes the

name of the diocese and the object of the petition, thus, for instance:

Neo-Eboracen.
24 Maggio 1907
Benedictio Coronarum.
Melampo.

The Mediation of Agents.—The presentation of petitions is generally made through an agent,* whose name is inscribed in the right hand corner on the back of the petition (as above). This signature is necessary because the agent will call for the grant, and the Congregations deliver rescripts to no one but the agent whose name is thus recorded. The agents, furthermore, pay the fees and taxes for the requested rescripts of favor, give any necessary explanations and comments that may be required, and are at all times in touch with the authorities in order to correct any mistakes or defects in the petitions. Usually, in fact, they draw up the petitions for their patrons.*

Between the hours from 9 till 1 o'clock the agents gather in the offices of the Curial administration, particularly at the palace of the *Cancellaria Apostolica,* to hand in new petitions and to inquire about the fate of those not yet decided. Many of them also go to the anterooms of secre-

* Since the agentship can be undertaken by any suitable person, the petitioner is at liberty to avail himself for this purpose of the services of a friend or acquaintance at Rome. It should be remembered, however, that agents are not admitted at the *Propaganda.* Business with this Congregation may be transacted through the *Procuratores Missionum,* whose names are found in the annual *Missiones catholicae.* See also the directions on page 146.

taries and undersecretaries in order to discuss important matters personally with the leading officials. If there is a considerable crowd, as is especially the case immediately before or after the vacations, then there ensues a very busy life in the spacious corridors of the *Cancellaria,* as well as at the offices and in the anterooms of the secretaries. Numerous agents, lay and clerical, secular and regular priests, make their best efforts to secure the satisfaction of their clients. To occasional visitors it may seem that the agents converse a little too zealously on such occasions and in rather lively fashion, but those who have the opportunity of closely observing these negotiations must be impressed with the fact that kindness and courtesy is truly at home in the offices of the Congregations, and that considerate and attentive treatment is accorded to all.

Fees and Taxes.—For most of the privileges and favors granted in Rome there is levied a tax from the petitioner.

Ignorance or malice alone can assert that these taxes mean an unrighteous purchase of ecclesiastical favors; they are really and obviously only a trifling contribution to the expenses incurred by the Curial offices in the conduct of these affairs. Since the Holy See is only with difficulty able to meet the great expenses of the supreme administration of the Church, what can be more just and equitable than to ask of those desiring to obtain a special favor or faculty from Rome a small indirect tax?

Distinction must be made between taxes and agent's fees, the latter being the compensation for the services of

the agents in the interests of the petitioner. To preclude any overcharge all rescripts of the Papal Administration bear official entry of tax and agent's fee.

Use of Mail and Telegraph.—For lay persons it is as a rule useless to forward petitions through the mails to the Roman Congregations, because as a matter of principle they will not be considered. Exception is made in favor of petitions to the Penitentiary. Equally useless, of course, would be the inclosing of postage stamps with such letters. Applications by telegraph are not permissible on account of their publicity, furthermore the required details in support of the request must usually be omitted in a telegram. Nor are decisions ever given by telegraph, because they would lack sufficient authenticity.

For these reasons the use of the telegraph in the business intercourse with the Curia has been repeatedly prohibited.* Petitions and reports laid by bishops before the Roman authorities are, by order of Cardinal Parocchi, of August 23, 1901, either forwarded through the mails or transmitted through an agent in a closed and sealed envelope, in order that important secrets may not be revealed to agents.

Special Directions Concerning Petitions for Absolution to the Apostolic Penitentiary

In the matter of absolutions from censures and reserved cases, any priest may more or less easily be placed in the

*Recently by the *Secretaria Status*, January 5, 1892.

necessity of asking for the assistance of the Apostolic Penitentiary, since by recent decisions of the *S. Officium,* since 1886, the law has been made more severe, in as far as now all penitents (even those who are prevented by an *impedimentum perpetuum,* or *imp. diurnum* from appearing at Rome) are obliged to apply in writing to the Cardinal Grand-Penitentiary for absolution in all papal reservations, unless the bishop of the diocese possesses the faculty of absolution. Excepted is the *articulus mortis,* and such other urgent cases, when absolution can not be delayed *absque periculo gravis scandali vel infamiae,* the confessor may then absolve from all reservations *sub poena tamen reincidentiae in easdem censuras, nisi saltem infra mensem per epistolam et per medium confessarii absolutus recurrat ad S. Sedem.* By decree of June 16, 1897, the confessor is empowered to give provisional absolution even in cases where the penitent would feel it keenly to remain for some length of time in the condition of mortal sin. Whoever has in *articulo mortis* received absolution from his confessor, is, according to the decision of the *S. Officium* of June 17, 1891, subject to the *poena reincidentiae* only then, if the case is one of censures reserved *speciali modo* to the papal See. Those absolved in *articulo mortis* from *simpliciter* reserved censures are exempt from recourse to Rome; all those, likewise, who neither personally nor through their confessors can send a written petition to Rome, and for whom it is difficult to choose another confessor. (Decree of the *S. Officium* of November 9, 1898.)

If, then, there should occur one of the cases in which the penitent either can not be absolved at all by the confessor, or, as will generally be the case, can only be absolved *sub poena reincidentiae,* there are two ways open to the confessor to obtain the powers of absolution for his penitent, namely from the bishop of the diocese, or from the Cardinal Grand-Penitentiary. Since the ordinary, as a rule, possesses the faculties needed to absolve from reservations to the Apostolic See, the first way will be preferable in most instances because of brevity and simplicity.* There may, however, occur a case when the seal of confession would be imperiled by having recourse to the episcopal court, and this, of course, must in all events be avoided. For this reason the confessor may not always be in a position to avail himself of the simplest and most convenient way, but he may at times be obliged to choose the more formal way of recourse to Rome.

The confessor addresses his petition (see the model forms on page 169) directly to the Cardinal Grand-Penitentiary. For the protection of the seal of confession he makes, in designating the penitent, use of fictitious names, such as *Titius* or *Sempronia.* He may either send the petition by mail direct to the Apostolic Penitentiary (address *Alla Segretaria della Sagra Penitenzieria Apostolica, Roma, Palazzo della Cancellaria*), which is the advisable proceed-

* It is, however, not sufficient for a person absolved in a case of necessity to address his supplementary recourse to a sub-delegate of the bishop. Decision of the *S. Officium* of December 19, 1900.

ing in most cases, or forward it in closed envelope to an agent, who will hand it personally to the Penitentiary. The confessor must add his own full address to the petition, in order that the faculty of absolution may be returned to him. In the same way as the petition was received, the rescript of absolution will be returned, whether by mail or through an agent. The faculty for giving the absolution is granted by the Penitentiary not only to the priest asking for the same, but to any confessor selected for this purpose by the penitent in the case. Hence the superscription of a rescript of absolution reads: *Dilecto in Christo proprio Latoris parocho sive confessario ex approbatis ab Ordinario per eum specialiter eligendo salutem in Domino.* As soon as the confessor who submitted the petition has received the rescript from the Penitentiary, he must notify the penitent and the latter then declares whether the execution of the rescript shall be performed through this or some other confessor. The absolution is then given in the confessional.

Forms for Petitions Most Commonly Addressed to the Holy See,

and for Petitions to obtain Faculties to Religious Orders

NOTE.—For the following petitions, which as a rule are granted to all qualified petitioners, these short forms, containing merely the petition without any argument, are most proper. A *sub* or *obreptitio,* which would render the rescript of privilege invalid, is thus completely excluded. In the case of other petitions, in more weighty matters, the use of set forms is impracticable, as there is necessary above all a statement of the data, which naturally differ invariably. Petitions in matters of marriage are purposely omitted here. They may be found in handbooks of the canonical marriage laws.

I. Petitions for the Faculty to Bless

1. BLESSING OF THE FOUR SCAPULARS UNDER ONE FORM

Beatissime Pater,

N. N. sacerdos dioecesis N. ad pedes Sanctitatis Vestrae provolutus humiliter postulat facultatem benedicendi et imponendi sub unica formula quatuor scapularia, scilicet SS. Trinitatis, rubrum Passionis D. N. J. Chr., Immaculatae Conceptionis et Septem Dolorum B. M. V., quae ex facultate sibi a respectivis Ordinum Superioribus concessa singula scorsim iam potest benedicere et imponere.

Et Deus . . .

Ad Sacram Congregationem Rituum. Romae, Cancellaria Apostolica.

The tax is 10 lire,* agent's fee 6 lire.

The bestowal of this faculty presupposes the faculty of blessing the scapulars separately. (See the petitions on page 172.) The *Congr. Rituum* supplies the proper form for the blessing.

2. Blessing of Bread, Wine, Water and Fruits, Against Throat Troubles, on the Feast of St. Blaise (February 3d).

Beatissime Pater,

N. N. sacerdos dioecesis N. ad pedes Sanctitatis Vestrae provolutus, humiliter postulat facultatem benedicendi panem, vinum, aquam et fructus in die festo S. Blasii Episcopi et Martyris ad repellenda mala gutturis.

Et Deus . . .

Ad Sacram Congregationem Rituum. Romae, Cancellaria Apostolica.

Tax 10 lire, agent's fee 6 lire.

3. Blessing of Girdles in honor of St. Philomena.

Beatissime Pater,

N. N. sacerdos dioecesis N. ad pedes Sanctitatis Vestrae provolutus, humiliter postulat facultatem benedicendi et imponendi Cingula in honorem S. Philomenae Virginis et Martyris.

Et Deus . . .

* A lire = 19 3-10 cents.

Ad Sacram Congregationem Rituum. Romae, Cancellaria Apostolica.

Tax 10 lire, agent's fee 6 lire.

4. Blessing of the Scapular in honor of St. Michael the Archangel.

Beatissime Pater,

N. N. sacerdos dioecesis N. ad pedes Sanctitatis Vestrae provolutus, humiliter postulat facultatem benedicendi et imponendi scapulare in honorem S. Michaelis Archangeli.

Et Deus . . .

Ad Sacram Congregationem Rituum. Romae, Cancellaria Apostolica.

Tax 10 lire, agent's fee 6 lire.

5. Blessing of Crosses, Crucifixes, Medals, Rosaries and Metal Statuettes with Papal Indulgences.

Beatissime Pater,

N. N. sacerdos dioecesis N. ad confessiones audiendas approbatus ad Sanctitatis Vestrae pedes provolutus, humillime postulat facultatem benedicendi cruces, crucifixos, sacra numismata, coronas precatorias ac parvas D. N. Jesu Christi, B. V. Mariae et Sanctorum metallicas statuas eisque applicandi indulgentias Apostolicas, non exceptis iis, quae coronis S. Brigittae nuncupatis adnexae sunt.

Et Deus . . .

Ad Secretariam Brevium. Romae, Cancellaria Apostolica.

Tax 3 lire, agent's fee 7 lire. This faculty is granted for a period of five years only, and requires for its exercise the bishop's consent.*

The Holy Father has recently given special faculties to the Congregation of Indulgences by which it can grant the power of communicating to beads the indulgences of the Crozier Fathers (500 days to each bead) to any priest†; the power to be exercised with the consent of bishop of the diocese in which the priest is called on to use it. The following form of application may be used: "Beatissime Pater, . . . ad pedes Sanctitatis Vestrae provolutus, humillime petit facultatem benedicendi Coronas a SSmo Rosario B. M. V., eisque applicandi Indulgentias, quae a Patribus Crucigeris vulgo nuncupantur."

6. Blessing of Ecclesiastical Vestments.

Beatissime Pater,

N. N. parochus dioecesis N. ad pedes Sanctitatis Vestrae humillime provolutus, exponit, quod multum distans ab urbe episcopali nequit absque gravi incommodo ad Ordinarium mittere vasa, indumenta ac linteamina sacra, ut episcopalem benedictionem accipiant, et ideo enixe postulat, ut sibi concedatur facultas benedicendi praedicta indumenta et lin-

* According to the Instruction of the *S. Congr. Indulgent.* of June 14, 1901, the approbation *pro confessionali* is required for the *valid* exercise, and the consent of the bishop for the *permitted* exercise of this faculty.

† By a recent papal rescript the faculty of blessing the Crozier beads is granted to all priests who are members of the Priests' Eucharistic League.

teamina necnon vasa sacra, quae chrismatis unctione non indigent.

Et Deus . . .

Ad Sacram Congregationem Rituum. Romae, Cancellaria Apostolica.

Tax 3 lire, agent's fee 6 lire. The petition requires endorsement by the bishop. The blessing is done according to the form in the missal.

II. Petitions for the Apostolic Blessing

7. The Apostolic Blessing with plenary indulgence at the hour of death for the petitioner and his relations to the third degree inclusively.

Beatissime Pater,

N. N. dioecesis N. ad pedes Sanctitatis Vestrae humiliter provolutus, implorat favorem Apostolicae benedictionis unacum indulgentia plenaria in articulo mortis pro se suisque consanguinibus et affinibus usque ad tertium gradum inclusive.

Et Deus . . .

These petitions are granted at the Vatican palace by the almoner of his Holiness. The petitioner gives an alms of 1 lira. As a rule the photograph of the Holy Father, on stiff cardboard, is used as formulary for the benediction. The Roman stores of religious articles have these formulas for sale at ½, 1 and 1½ lira and attend to the obtaining of the apostolic blessing without charging for the trouble. The

repository of A. M. Stocker, Roma, Borgo nuovo, may be recommended in this connection.

8. The Apostolic Blessing for the close of Missions.

Beatissime Pater,

N. N. sacerdos dioecesis N. ad pedes Sanctitatis Vestrae humiliter provolutus, exponit, quod sub auctoritate Ordinariorum muneri praedicationis verbi divini multum incumbit, et ideo enixe flagitat facultatem concedendi in fine missionum seu exercitiorum benedictionem Apostolicam.

Et Deus . . .

Ad Secretariam Brevium. Romae, Cancellaria Apostolica.

Tax 4 lire, agent's fee 7 lire.

III. Petitions for Indulgences

9. The Indulgence of the Portiuncula.

Beatissime Pater,

N. N. parochus paroeciae N. in dioecesi N. ad pedes Sanctitatis Vestrae humillime provolutus, exponit, quod sua parochia mille passibus et amplius distat ab ecclesia viciniori, quae privilegio indulgentiae Portiunculae gaudet, et ideo postulat ad suorum fidelium fovendam pietatem et eorum spirituale levamen, ut suae ecclesiae eadem dicta indulgentia vulgo dicta Portiunculae concedatur.

Et Deus . . .

Ad Secretariam Brevium. Romae, Cancellaria Apostolica.

Tax 7 lire, agent's fee 7 lire. The Portiuncula indulgence is, as a rule, granted for seven years only; the rescript, on account of its public nature, must be attested by the bishop of the diocese.

10. Personal Altar-privilege.

Beatissime Pater,

N. N. sacerdos dioecesis N. ad pedes Sanctitatis Vestrae humilter provolutus, ad levamen animarum in purgatorio detentarum implorat indultum personale altaris privilegiati.

Et Deus . . .

Ad Secretariam Brevium. Romae, Cancellaria Apostolica.

Tax 3 lire, agent's fee 7 lire. The personal altar privilege is generally only granted for three masses each week.

11. Privileged Altar.

Beatissime Pater,

N. N. parochus ecclesiae N. in dioecesi N. ad pedes Sanctitatis Vestrae humillime provolutus, exponit, quod in sua ecclesia parochiali nullum exstat altare indulgentiis altari privilegiato concessis gaudens, et idcirco cupiens, ne sua parochia tanto favore orbetur, enixe postulat, ut in sua ecclesia altaris privilegiati beneficium altari N. concedatur.

Et Deus . . .

Ad Secretariam Brevium. Romae, Cancellaria Apostolica.

Tax 3.50, agent's fee 5 lire. This privilege is granted as a rule only for seven years and only for one altar in each church. If the rector of a church desires a *privilegium perpetuum* or a *privilegium* for a second altar, then special reasons must prevail, as for instance the devotion of the faithful, large crowds at the church, etc. Clement XIII by decree of May 19, 1759, granted to all parish churches the Indult of the *Altare privilegiatum* for seven years, upon condition that the bishop request this favor for his diocese, and that at the end of the seven years he apply for renewal for another seven years. The Secretariate of Briefs grants this privilege in the case of chapels and private oratories. The respective Brief must be attested by the bishop before its publication.

12. Plenary Indulgence for a Church on a certain feast day.

Beatissime Pater,

N. N. parochus ecclesiae N. ad pedes Sanctitatis Vestrae humillime provolutus, exponit, quod in dicta ecclesia solemniter celebratur festum N. et cum ingenti fidelium concursu. Ideo implorat sub conditionibus ordinariis pro omnibus fidelibus, qui huic solemnitati intervenient, indulgentiam plenariam defunctis etiam applicandam.

Et Deus . . .

Ad Secretariam Brevium. Romae, Cancellaria Apostolica.

Tax 3.50 lire, agent's fee 6 lire. The Brief to be attested by the bishop before publication.

13. Indulgences for a newly erected confraternity.

Beatissime Pater,

In ecclesia Sancti N. loci N. dioecesis N. canonice instituta est pia Sodalitas sub titulo Sancti N. eo fine ut . . . Quo magis sodalium fervor et devotio augeatur, ipsa Sodalitas humillime petit, ut Sanctitas Vestra eam indulgentiis ditare dignetur, scilicet . . . Sodalitas praedicta nulli Archiconfraternitati est aggregata neque ab Ordine religioso instituta, sed a Revmo Episcopo N. N. canonice erecta, eiusque testimonium hisce adiungimus.

Et Deus . . .

Ad Secretariam Brevium. Romae, Cancellaria Apostolica.

IV. Petitions for Privileges, Dispensations and Special Faculties

14. The reading of prohibited books.

Beatissime Pater,

N. N. sacerdos dioecesis N. ad pedes Sanctitatis Vestrae provolutus, devotissime petit, ut sibi ad conscientiae suae tranquillitatem in studiis et in animarum cura gerenda concedatur facultas legendi omnes libros a S. Sede prohibitos etiam ex professo contra religionem tractantes.

Et Deus . . .

Ad Sacram Congregationem Indicis. Romae, Cancellaria Apostolica.

Tax gratis. Agent's fee 3 lire.

In the case of lay persons the wording of the petition must be correspondingly altered, a teacher, for instance, petitions for this faculty: *Pro suo munere implendo et in honestorum studiorum subsidium.*

15. Anticipation of the Breviary beginning with 1 o'clock in the afternoon.

Beatissime Pater,

N. N. sacerdos dioecesis N. ad pedes Sanctitatis Vestrae humillime provolutus, implorat facultatem anticipandi recitationem Matutini cum Laudibus ab hora prima pomeridiana.

Et Deus . . .

Ad Sacram Congregationem Rituum. Romae, Cancellaria Apostolica.

Tax 6.50 lire, agent's fee 6 lire.

16. Commutation of the Breviary.

Beatissime Pater,

N. N. sacerdos dioecesis N. ad pedes Sanctitatis Vestrae provolutus, exponit, quod gravibus incommodis affectus recitationi divini Officii nonnisi aegre et cum difficultate satisfieri potest, et ideo ad sedandos propriae conscientiae scrupulos enixe postulat, ut praedicta recitatio in recitationem aliquarum precum exempli gratia Rosarii B. V. Mariae commutetur.

Et Deus . . .

Ad Sacram Congregationem Rituum. Romae, Cancellaria Apostolica.

Tax 3 lire, agent's fee 6 lire.

17. Celebration according to the Mass form *de Beata.*

Beatissime Pater,

N. N. sacerdos dioecesis N. ad pedes Sanctitatis Vestrae humiliter provolutus, exponit, quod debilitate oculorum multum laborans nonnisi cum maxima difficultate missale legere potest, et idcirco a celebratione sacrosancti sacrificii abstinere debet. Ideo implorat a Sanctitate Vestra facultatem legendi quotidie missam de Beata et in diebus semiduplicibus non privilegiatis missam pro defunctis.

Et Deus . . .

Ad Sacram Congregationem Rituum. Romae, Cancellaria Apostolica.

Tax 3 lire, agent's fee 6 lire. This indult is granted to priests totally blind for all time, to those of weak sight as a rule for three years.

18. Communion without observing the *ieiunium naturale.*

Beatissime Pater,

Superiorissa communitatis sororum Sancti N. in N. dioecesis N. ad pedes Sanctitatis Vestrae humiliter provoluta, exponit, quod soror N. praefatae communitatis malo stomacho laborans nonnisi cum maxima difficultate et sanitatis periculo ieiunium observare potest et idcirco a ss. communione abstinere debet. Ideo implorat a Sanctitate Vestra facultatem ss. communionem bis in hebdomada per modum viatici et sine observatione legis de ieiunio naturali praescriptae accipiendi.

Et Deus . . .

Ad Sacram Congregationem S. Officii. Romae, via del Sant'Ufficio 5.

Tax gratis, agent's fee 5.50 lire. The petition must be endorsed by the bishop, to whose discretion the granting of the dispensation is deferred. The rescript reads:

Benigne remisit preces prudenti arbitrio et conscientiae R. P. D. Ordinarii, qui facultatem oratrici concedere valeat sumendi aliquid per modum potus ante sanctissimam communionem Eucharisticam bis in hebdomada durante tantum exposita male affecta valetudine et remoto scandalo.

19. Private Oratory.

(a) For sick priests.

Beatissime Pater,

N. N. sacerdos dioecesis N. ad pedes Sanctitatis Vestrae humillime provolutus, exponit, quod infirma valetudine laborans—iam grandaevus et septuagesimum quintum aetatis suae annum superans—multum distans ab ecclesia vicíniori —nonnisi cum maxima difficultate sacrosanctum missae sacrificium in ecclesia offerre potest. Ideo a Sanctitate Vestra enixe postulat, ut sibi concedatur facultas celebrandi sacrosanctum missae sacrificium in oratorio in domo sua iuxta canonicas et liturgicas praescriptiones erigendo.

Et Deus . . .

Ad Sacram Congregationem Rituum. Romae, Cancellaria Apostolica.

Tax 12 lire, agent's fee 6 lire. The permission is usually given for all days with the exception of the highest feast days. Should the petitioner deem it desirable to have the

privilege extended to all feast days, a new petition is required which must be supported by especially weighty reasons, as for instance:

Beatissime Pater,

N. N. sacerdos dioecesis N. ad pedes Sanctitatis Vestrae humillime provolutus, exponit, quod a Sanctitate Vestra accepit infirmitatis causa facultatem Oratorii privati sub die . . ., in qua tamen aliquot dies solemniores excipiuntur. Orator, impotens ob gravem aetatem—infirmam valetudinem—ecclesiam viciniorem accedendi, hisce diebus solemnioribus a missae celebratione arcetur, in quibus maior esset devotio celebrandi; idcirco enixe postulat, ut iisdem solemnioribus diebus in praecedenti indulto exceptis eidem liceat in oratorio suo sacrosanctum missae sacrificium celebrare.

Et Deus . . .

Ad Sacram Congregationem Rituum. Romae, Cancellaria Apostolica.

Tax 8 lire, agent's fee 6 lire. Both petitions must previously be forwarded to the bishop for his recommendation, otherwise the Congregation demands *ex officio* the opinion of the Ordinary.

(b) *More Nobilium.*

Beatissime Pater,

N. N. dioecesis N. ad pedes Sanctitatis Vestrae humillime provolutus, exponit, quod domus habitationis suae multum distat ab ecclesia parochiali ipseque habet in votis, ut pro sua suaeque familiae consolatione oratorium privatum in ruri suo iuxta canonicas sanctiones et liturgicas praescriptiones erigatur. Ideo a Sanctitate Vestra enixe postulat,

ut sibi concedatur facultas privatum oratorium in ruri suo erigendi necnon indultum, ut orator, suaque familia, necnon omnes domestici et hospites ibidem obligationi audiendi missam in diebus festis de praecepto satisfacere possint.

Et Deus . . .

Ad Secretariam Brevium. Romae, Cancellaria Apostolica.

Tax 91 lire, agent's fee 20 lire. The bishop's recommendation is as necessary for this as for the petition *in casu infirmitatis.*

20. The Permanent Preservation of the Blessed Sacrament in Private Oratories.

Beatissime Pater,

N. N. dioecesis N. ad pedes Sanctitatis Vestrae humillime provolutus, exponit, quod a Sanctitate Vestra accepit pro ruri suo dicto vulgo N. indultum privati oratorii habetque in votis, ut pro sua suaeque familiae consolatione sibi concedatur facultas ibidem asservandi Sanctissimum Sacramentum. Dictum oratorium, a Revmo Ordinario visitatum canonicis sanctionibus et liturgicis praescriptionibus in omnibus satisfacit, sacerdos quoque domesticus ibidem quotidie sacrosanctum missae sacrificium offert. (Sacerdos quoque extraneus pluries in hebdomada ibidem sacrosanctum missae sacrificium offert.)

Et Deus . . .

Ad Sacram Congregationem Rituum. Romae, Cancellaria Apostolica.

Tax 80 lire, agent's fee 10 lire. The bishop's recommendation is requisite.

21. Absolution from Censures.

Eminentia Revma,

Titius sacerdos (vel parochus) unam poenitentem complicem in peccato turpi semel sacrilege absolvit. Deinde, quamvis excommunicatione ascinter irretitus, per quindecim dies missam celebrare et sacramenta ministrare perrexit. Nunc vero delictorum suorum sincere poenitens et remota peccati occasione humillime supplicat pro absolutionis et dispensationis remedio.

Et Deus . . .

Dignetur Eminentia Vestra Revma responsum mittere infrascripto confessario aut alio confessario ab oratore eligendo.

Here follows the exact address of the confessor.

Alla Segretaria della Penitenzieria Apostolica. Roma, Palazzo della Cancellaria.

Tax gratis, agent's fee 3 lire.

Another form.

Eminentia Revma,

Caius laicus infandae sectae Massonicae nomen dedit optime sciens et prohibitionem ecclesiae et poenas ab eadem dictae sectae sequacibus inflictas. Accidit etiam, ut multoties in dictis conventibus seu Loggiis propositiones haereticales et schismaticas acriter propugnavit, alios suo exemplo movens ad eosdem errores amplexandos, et ideo a recta fide catholica deviavit.

Nunc autem facti nefandi conscius, errores commissos deplorans, auctoritati ecclesiae olim spretae obediens, enixe postulat absolutionem generalem omnium censurarum, in quas incurrit, sive nomen sectae Massonicae dando, sive propositiones haereticas necnon schismaticas asserendo et propugnando.

Et Deus . . .

Dignetur Eminentia Vestra responsum mittere mihi infrascripto confessario aut alio confessario ab oratore eligendo.

The confessor's address follows here:

Alla Segretaria, as above.

22. Dispensation from a Reserved Vow.

Eminentia Revma,

Titia annos viginti nata vovit castitatem perpetuam (vel ingressum in religionem approbatam). At cum in gravi incontinentiae periculo versetur et ob ingentes stimulos carnis se posse continentem agere vitam diffidat, humillime supplicat pro commutatione aut dispensatione voti, ut inde valeat matrimonium inire, cuius opportuna occasio sese illi offert.

Et Deus . . .

Dignetur . . .

Everything else as above, in the two preceding petitions to the Apostolic Penitentiary.

Petitions to Religious Orders for the Granting of Faculties

I. Blessing and Investiture of Scapulars

1. The White Scapular of the Most Holy Trinity.

Reverendissime Pater,—N. N. confessarius approbatus in dioecesi N. humillime implorat facultatem benedicendi et imponendi scapulare SS. Trinitatis cum indulgentiis huic adnexis.

Et Deus . . .

Ad Reverendissimum P. Generalem Ordinis SS. Trinitatis. Romae, S. Crisogono in Trastevere.

Alms 1.50 lira, agent's fee 3 lire.*

2. The Brown Scapular of Mount Carmel.

Reverendissime Pater,—N. N. confessarius approbatus in dioecesi N. humillime implorat facultatem benedicendi et imponendi scapulare B. M. Virginis cum omnibus indulgentiis confratribus elargitis.

Et Deus . . .

Ad Reverendissimum Priorem Generalem Carmelitarum. Romae, via Sforza Pallavicini, Collegio di S. Alberto.

Alms 1 lira, agent's fee 3 lire.

3. The Blue Scapular of the Immaculate Conception.

(Use the above form up to the word *scapulare.*)

. . . scapulare Immaculatae Conceptionis B. M. V.

* The rescripts of Religious Orders mention the alms only, but the agent is entitled to a fee of 3 lire for his trouble, as is provided even in gratis rescripts of the Roman Congregations.

Ad Reverendissimum P. Superiorem Generalem Theatinorum. Romae, S. Andrea della Valle. Via de Chiavaria 3.

Alms 2 lire, agent's fee 3 lire.

4. The Black Scapular of the Seven Dolors.

. . . scapulare Septem dolorum B. M. V.

Ad Reverendissimum P. Priorem Generalem Servorum B. M. V. Romae, S. Maria in Via.

Alms 1 lira, agent's fee 3 lire.

5. The Red Scapular of the Passion.

. . . scapulare rubrum Passionis et sacratissimi Cordis D. N. J. Chr. necnon et Cordis amantissimi ac conpatientis Beatae Mariae Virginis Immaculatae.

Ad Reverendissimum P. Procuratorem Congregationis Missionis. Romae, via della Missione 2.

Agent's fee 3 lire.

6. The Scapular of Our Lady of Good Counsel.

. . . scapulare B. Mariae Virginis a bono Consilio.

Ad Reverendissimum P. Generalem Ordinis Eremitarum S. Augustini. Romae, via S. Uffizio 1.

Alms 1 lira, agent's fee 3 lire.

7. The Scapular of St. Joseph.

. . . scapulare S. Joseph sponsi B. M. V.

Ad Reverendissimum P. Generalem Ordinis S. Francisci Capuccinorum. Romae, via Boncompagni 71.

Alms 1 lira, agent's fee 3 lire.

II. The Blessing of Rosaries

1. Rosaries with the Dominican Indulgences.

Reverendissime Pater Generalis,—N. N. sacerdos dioecesis N. humiliter postulat facultatem benedicendi coronas precatorias B. M. Virginis cum potestate eisdem abnectendi indulgentias Ssmi Rosarii.

Et Deus . . .

Ad Reverendissimum P. Generalem Ordinis Praedicatorum. Romae, via S. Sebastiano 10.

Alms 1 lira, agent's fee 3 lire.

2. The Rosary of St. Brigid.

Reverendissime Domine Abbas,—N. N. sacerdos dioecesis N. humiliter petit facultatem benedicendi coronas S. Birgittae nuncupatas eisque respectivas indulgentias applicandi.

Et Deus . . .

Ad Reverendissimum Dom. Abbatem Generalem Canonicorum regularium SS. Salvatoris. Romae, S. Pietro in Vincoli.

3. Rosaries of the Seven Dolors.

Reverendissime Pater,—N. N. sacerdos dioecesis N. postulat facultatem benedicendi coronas Septem Dolorum B. M. Virginis.

Et Deus . . .

Ad Reverendissimum P. Priorem Generalem Servorum B. M. V. Romae, S. Maria in Via.

Alms ½ lira, agent's fee 3 lire.

III. Blessing of St. Benedict's Medals

Reverendissime Pater,—N. N. sacerdos dioecesis N. humiliter implorat facultatem benedicendi numismata a S. Benedicto nuncupata cum respectivis indulgentiis.

Et Deus . . .

Ad Reverendissimum Dom. Abbatem. Romae, S. Paolo fuori le mura.

Alms ½ lira, agent's fee 3 lire.

IV. Blessing of Crucifixes with Indulgences of the Way of the Cross, and the Erecting of Stations of the Cross

Reverendissime Pater Generalis.—N. N. sacerdos dioecesis N. enixe postulat facultatem (ad quinquennium) benedicendi cruces cum imagine D. N. J. Chr. et eisdem applicandi indulgentias Viae Crucis. Idem postulat facultatem erigendi sub conditionibus solitis stationes viae Crucis.

Et Deus . . .

Ad Reverendissimum P. Generalem Ordinis Fratrum Minorum. Romae, via Merulana, S. Antonio.

Alms 0.25 lira, tax 3 lire. The faculty to erect the Way of the Cross is usually granted for twenty sets of stations; in each individual case of exercising this faculty the Ordinary must give written permission.

These two petitions, for the blessing of crucifixes and erecting the Way of the Cross, may of course also be drawn up separately.

V. Aggregation of Confraternities to an Arch-Confraternity

Illme et Revme Praeses Congregationis Primae Primariae Sancti N.,—N. N. sacerdos dioecesis N. exponit, quod in ecclesia N. eiusdem dioecesis existit confraternitas (fidelium utriusque sexus—iuvenum—puellarum) sub titulo N. quae canonice fuit erecta auctoritate Reverendissimi Ordinarii sub die . . . mense . . . et anno . . . et vehementer cupiens, ut eadem sacris indulgentiis ditetur, postulat praedictus supralaudatae confraternitatis moderator, ut aggregetur congregationi Primae Primariae N. cum communicatione indulgentiarum eidem concessarum [facta etiam facultate, ut rectores pro tempore existentes et illi sacerdotes, quos iidem cum Ordinarii licentia sibi substituerint, benediciere (et imponere) possint coronas (scapularia) et alia praesidum munera exercere.]

Et Deus . . .

The aggregation is performed without charge, but it is customary to contribute a trifling alms, about half a lira, to the arch-confraternity.

CHAPTER II

THE CIVIL PROCEDURE AT THE ROMAN CURIA

Civil actions that reach Rome are conducted either before the forum of the *Congregatio Concilii* or of the *Congregatio Episcoporum et Regularium.* As already explained in the preceding part, on page 65, it depends principally upon the motion of the contesting parties whether the proceedings shall be: 1. *per summaria precum,* or 2. *in forma oeconomica,* or 3. *iuris ordine servato;* these three modes being the ones in usage at the *Congregatio Concilii,* while the *Congregatio Episcoporum et Regularium* distinguishes only between the proceedings *iuris ordine non servato* and *iuris ordine servato.*

I. Regulation for the procedure *iuris ordine servato* at the S. Congregation of the Council.

For the rigid procedure *iuris ordine servato* the Congregation of the Council issued a set of rules, published for the first time September 27, 1847, and reconfirmed with slight alterations December 10, 1884. The regulations at present in force are given here in their Latin translation.*

Art. 1. Causae proponendae coram S. Congregatione, sive in prima instantia sive in gradu appellationis, iuxta eius praxim iuris ordine servato tractabuntur quoties e conten-

* The translation, with the exception of Art. 15, is taken from *Lega, De iudiciis ecclesiasticis.* Vol. II, p. 196 seq.

dentibus alter, cuius interest, legitimo procuratore constituto apposuerit "Nihil transeat" penes acta S. Congregationis.

Art. 2. Hoc in casu illi tantum ad agendum admittuntur procuratores, qui legitimam personam habent agendi seu respondendi coram ceteris Urbis tribunalibus.

Art. 3. Nulla coram plena Congregatione instantia proponetur, nisi auditus iam fuerit Ordinarius, istaque iis documentis instructa sit, quae Revmus Secretarius necessaria esse duxerit, prouti sapienter statutum est in alio decreto S. Congregationis diei 6. Sept. 1751.

Art. 4. Documenta ad causam spectantia nihili habebuntur, nisi Curiae, ad quas pertinent, haec ediderint vel alio modo authentica facta fuerint, vel aliud authentiae signum praeseferant. Quum vero ea in Secretaria exhibentur, notula erit facienda in tabulario seu protocollo.

Art 5. Documentorum communicatio partibus, quarum interest, concedenda erit in exemplaribus exscriptis ab officialibus Secretariae, previo Secretarii rescripto.

Art. 6. Cum Secretarius decretum ediderit "Ponatur in folio citata parte" ad dubii concodationem et Congregationis destinationem procedi potest praevia citatione a parte diligentiori expedita. In libello vero citationis, antea quam transmittatur ad alteram partem, a Secretario vel ab eius Auditore adscribitur dies et hora audientiae, in qua citatio poterit legi.

Art. 7. Audientia habebitur diebus Martis et Veneris cuiusvis hebdomadae, feriis exceptis, iuxta notulam in Secretaria affixam.

Art. 8. Cum dubium inter partes concordatum fuerit, a Secretario vel eius Auditore subscribatur; cum vero subscriptum fuerit, illud mutare nefas erit, nisi praemisso novo libello, dubii reformationem postulante, inter partes in contradictorio discutiendo.

Art. 9. Partibus non concordantibus dubium ex officio determinatur at insimul decernitur integrum esse partibus, disputare in plena congregatione una cum causae merito, etiam de reformatione dubii.

Art. 10. Si ex partibus aliqua non compareat, et contumace seu absente, dubium, concordabitur; cum autem concordatum fuerit, ad normas iuris, contumaci nuntium dabitur et de concordato dubio et de destinatione Congregationis.

Art 11. Allegationes et summaria, quibus partes uti voluerint in causae propositione, Secretario vel eius Auditori in scriptis tradentur, triginta diebus ante causae propositionem (qua de re monebuntur decem diebus ante ab Auditore). Id autem fiet tum ut condi possit rationum summa in folio exaranda, tum ut facultate muniatur eas imprimendi advocatus sive procurator.

Art. 12. Animadversiones defensoris latino sermone conscribentur iuxta vigentem praxim; neque acceptantur, nisi eas subscripserit aliquis ex Romanae Curiae Advocatis vel Procuratoribus.

Art 13. Quotquot sint dubia, allegationes praeter folia quinque et responsiones praeter folia duo protrahi non poterunt, nisi de licentia Secretarii, qui pro causae necessitate et gravitate eam ultro concedet vel negabit. Si quis

hanc legem violaverit, mulctae condemnabitur, quam similibus in casibus S. Rota infligere solet, piae Congregationi a S. Ivone dictae tribuendam.

Art. 14. Iuxta praescriptum de contumacia in § 3 cit. decr. a. 1751 decernitur, ut si omnibus praemissis instructionis actibus, aliqua ex partibus contendentibus nihilominus contumax permanserit, nulla dabitur dilatio, sed, Secretario haec omnia referente, causae resolutio locum habebit etiam unica. Dein vero, post latam sententiam, si pars contumax expostulet beneficium novae audientiae, hoc non concedetur, nisi ista parti adversae solverit expensas superioris instantiae, in qua ipsa fuit contumax.

Art. 15. Pars contumax habetur, quae citata non comparuit, aut termino statuto nullam exhibuit allegationem, aut postulavit quidem sed non obtinuit dilationem.

Art. 16. Secretario ius est causae propositionem differendi ex officio vel ad postulationem partium, etiamsi eam destinasset cum clausula "omnino et infallanter." Si vero huiusmodi destinationem plena congregatio statuerit, novam dilationem coram S. Congregatione per memoriale petere opus erit.

Art. 17. Decem diebus ante congregationem destinatam restrictus iuris et facti cum summario in duplici exemplari Patribus Eminentissimis distribuendus erit. Item exemplaria in consueta quantitate distribuentur Secretario eiusque Studio necnon Subsecretario. Hic terminus servandus erit etiam pro permutandis scripturis inter partes, necnon pro novis documentis producendis, prouti § 4.

Art. 18. Responsiones differri possunt usque ad totam diem Mercurii congregationi antecedentem, eaeque nisi fuerint subscriptae eo modo, quo statuitur pro defensionibus, nullo in pretio habebuntur.

Art. 19. Documenta et animadversiones inscia parte post responsiones oblatae nihili habebuntur.

Art. 20. Informari de causa debebunt Eminentissimi Patres diebus Iovis aut Veneris congregationi praecedentibus.

Art. 21. Causae resolutione secuta novae audientiae beneficium inter decem dies petendum erit per libellum Secretario oblatum.

Art. 22. Si Sacrae Congregationis resolutioni clausula "et amplius" accesserit, novum causae experimentum ab Emo Praefecto postulandum erit, qui, si illud a se concedi non posse putabit, instantiam ad plenam congregationem remittet cum decreto "per memoriale citata parte." In utroque casu si favorabile edatur rescriptum, causa non ante tres menses proponi iterum poterit, eodem servato primae propositionis ordine; et si instans succumbat, ad expensas huius postremae propositionis, favore partis victricis reficiendas tenebitur.

Art. 23. Cum sententia in rem iudicatam pertransierit, victori decisionis exemplar dabitur praevia taxarum ordinaria solutione.

Art. 24. In casibus, de quibus sermo est in § 14 et 22 et in aliis exquirentibus iuxta S. Congregationis decreta expensarum refectionem (id est in causis matrimonialibus,

alimentorum, attentatorum et spolii) pars victrix Secretario notulam exhibebit, qui eam approbet aut corrigat atque opportunae executionis decreto muniat.

II. Regulation for the procedure *iuris ordine servato* at the Congregation of Bishops and Regulars.

The *Congregatio Episcoporum et Regularium* issued July 20, 1900, a new regulation which differs in some respects from the old regulation of September 5, 1834. The new *Methodus tractandi negotia apud S. C. Epp. et Regg.* reads:

Art. 1. Quotiescumque in negotiis, quae apud S. Congregationem Episcoporum et Regularium aguntur, tum ex relationibus Ordinariorum, tum ex partium deductionibus videatur expedire, ut res ad viam iuris reducatur, rescribitur "Proponatur coram plenario Emorum Patrum coetu, citata parte et concordato dubio."

Art. 2. In huiusmodi casibus ii tantum uti advocati seu procuratores admittuntur, qui penes SS. Urbis Congregationes rite probati sint.

Art. 3. Coram R. D. Summista singuli actus, qui ad iudicandum viam sternunt, conficiuntur.

Art 4. Propterea pars diligentior coram eodem R. D. Summista partem adversam citat "ad concordandum de dubio, alias videndum subscribi et disputari infrascriptum," quod nempe in calce citationis transcribitur.

Art. 5. Porro R. D. Summista citationis libello adscribit diem et horam audientiae, in qua citatio "poterit legi"; et subinde vel propositum, vel aliud dubium concordat, de con-

sensu partium: sin minus mandat, partes suis iuribus uti per memoriale in plenaria congregatione. Praeterea idem R. D. Summista terminum praefinit ad exhibenda summaria et deductiones partium, ut opportuno tempore confici possit restrictus seu consultatio S. Congregationi subiicienda.

Art. 6. Si pars citata infra terminum praefinitum non compareat, citatur pro secunda vice "ad concordandum de dubio necnon destinari congregationem."

Art. 7. Si pars in sua contumacia pestiterit, R. D. Summista concordat dubium et congregationem pro causae propositione destinat, ita tamen ut spatium saltem triginta dierum intercedat, et decretum intimatur adversae parti per Cursorem sive per literas apud epistolarum diribitorium commendatas, quaesita receptionis syngrapha, vulgo "con ricevuta di ritorno."*

Art. 8. Concordato autem dubio utraque pars aut saltem pars diligentior deponet apud arcam S. Congregationis congruam pecuniae summam pro expensis necessariis, in singulis casibus a R. D. P. Secretario taxandam.

Art. 9. In casu contumaciae, si post latam sententiam pars contumax postulet beneficium novae audientiae, ipsa tenebitur ad deponendam in arca S. Congregationis omnem pecuniae summam pro expensis novae propositionis necessariam.

Art 10. Documenta unius partis alteri non tradentur nisi in exemplaribus ex officio exscriptis, praevio superiorum

* Registered letter with delivery receipt.

rescripto. Informationes tamen Ordinariorum et documenta secreta, si qua sint, nullatenus tradentur.

Art. 11. Advocati seu Procuratores antequam typis edant deductiones et summaria, quibus uti voluerint, ea subiicient R. D. Summistae, ut imprimendi licentiam impetrent; quae quidem imprimendi licentia denegari poterit vel una ea ratione, quod deductiones nimis prolixae inveniantur.

Art. 12. Allegationes typis editae decem saltem diebus ante congregationem destinatam, tum ad Emos Patres in diplici exemplari tum ad Secretarium, Subsecretarium et Auditorem deferentur; sex autem earundem allegationum exemplaria ubi primum fieri poterit, penes Tabularium S. Congregationis deponentur.

Art. 13. Mutua inter partes allegationum et summariorum traditio fit decem diebus ante causae propositionem.

Art. 14. Responsiones triduo ante propositionem causae distribuuntur, ut in art. 12, et partibus invicem traduntur.

Art. 15. Resolutionem S. Congegationis R. P. D. Secretarius in scriptis tradit suoque nomine signat; eamque subinde per se sive per Officialem ad id deputatum partibus significat.

Art. 16. Si intra decem dies pars victa iterum audiri postulet, Emus Cardinalis Praefectus, audito congressu, novae audientiae beneficium concedere potest.

Art. 17. Quoties vero res diiudicata fuerit cum clausula "et amplius," tunc beneficium novae audientiae non conceditur nisi a plena congregatione.

Art. 18. Si causa iterum proponi contingat, servandus erit modus in superioribus articulus respective praescriptus.

Art. 19. Diiudicata causa authenticum resolutionis exemplar parti seu partibus petentibus tradetur.

III. Procedure in Marriage Processes.

For the procedure in marriage processes the *S. Congr. de Prop. Fide* issued in 1883 a regulation for bishops of the United States of North America, which the *Congr. S. Officii,* on June 20, 1883, also accepted almost literally as regulation for the bishops of the Oriental rite. At the solicitation of the Bishops of Prussia the Congregation of the Sacred Office, by decree of September 19, 1891, granted the observance of this regulation also for the German dioceses. As this regulation is of the greatest importance for the summary procedure in marriage processes we insert here its first and general part in full, for the information particularly of the parochial clergy.

(a) Regulation by the S. Officium for the procedure in marriage processes of June 20, 1883.

First Part

§ 1. Ut in tribunali ecclesiastico causa aliqua matrimonialis tractanda suscipiatur, necesse est ut contra matrimonium regularis et iuridica accusatio praecesserit; quae numquam erit admittenda, nisi proficiscatur a persona vel personis, quae communi iure habiles ad accusandum habeantur. Etenim in quibusdam impedimentis ipsi coniuges

tantum eadem sanguine propinqui, vel etiam quilibet de populo, ac tandem ex officio etiam inquisitio fieri potest, et quandoque debet, quando praesertim contra alicuius matrimonii validitatem simplex denuntiatio facta fuerit, aut fama fundamentum veritatis prae se ferens de alicuius impedimenti existentia divulgata sit.

§ 2. Ista accusatio coram legitimo Ordinario ecclesiastico fieri debet, et quidem in scripto; si oretenus facta fuerit, iudicialis reddenda erit iuxta regulas communi iure traditas, scilicet efficiendo ut accusator eam repetat coram tribunali et a cancellario in actis redigatur.

§ 3. In ea, praeter accuratam facti expositionem, enarranda erunt omnia adiuncta necessaria et omnia indicia concurrentia, indicandi et nominandi testes de re instructi, ut hoc modo fundamenta accusationis cognoscantur, et via tribunali sternatur veritati detegendae.

§ 4. Accusatione sic recepta, munus moderatoris actorum Episcopus vel ipse sibi assumet, vel suum Vicarium generalem, aut alium probum et expertum virum a clero ad illud delegabit. Similiter alium virum designabit, qui cancellarii officio fungens quidquid ad causam pertinet in acta referat, ac nominatim interrogationes examinandis faciendas, eorumque responsiones scripto consignet.

§ 5. Praeterea ipse Ordinarius omnino tenetur deputare alium virum ecclesiasticum iuris scientia et vitae probitate praeditum, qui matrimonii defensor existat. Eum vero suspendere vel removere, si iusta causa adfuerit, et alium substituere iis qualitatibus ornatum Ordinario semper fas erit.

§ 6. Praedictae deputationes et delegationes in scriptis ab Ordinario fiant, et earum authentica documenta vel saltem mentio in actis prostent.

§ 7. Moderatoris actorum erit tribunal convocare, partes et testes citare, ut in iudicium compareant; terminos dilationis concedere, quoties rationabiliter ab iis qui ius habent petantur; edere decreta et ordinationes pro regulari et recta actorum compilatione. Quae omnia scripto erunt exaranda, et in actis ipsis recensenda.

§ 8. Defensor matrimonii antequam munus sibi commissum suscipiat, coram actorum moderatore iuramentum praestabit tactis Sanctis Evangeliis de munere suo diligenter et incorrupte adimplendo, spondens se omnia voce et scripto deducturum quae ad validitatem matrimonii sustinendam conferre iudicaverit. Hic matrimonii defensor a moderatore actorum citandus erit ad quaelibet acta, ne vitio nullitatis concidant; eidam semper et quandocumque acta processus, etsi nondum publicati, erunt communicanda, semper et quandocumque eius scripta recipienda, atque novi termini, eo flagitante prorogandi, ut ea scripta perficiat atque exhibeat.

§ 9. Quod si ob peculiares circumstantias matrimonii defensor singulis actis interesse nequiverit, absoluto processu eadem ipsi tradantur, ut eas exarare queat animadversiones, quas tuendae matrimonii validitati necessarias iudicaverit; si alia acta suggesserit, haec conficienda omnino erunt; si ex iam confectis deprehenderit alias adesse personas testi-

monio ferendo idoneas et opportunas nondum examinatas, has examini subiiciendas proponet.

§ 10. Constituto tribunali haec actorum conficiendorum ratio tenenda erit. Ab omnibus et singulis testimonium dicturis moderator actorum ante omnia iuramentum exiget de veritate dicenda, et si ita res postulet, etiam de secreto servando, praemissa congrua monitione de iuramenti sanctitate, praesertim si examinandi rudes sint et ignari. Iuramentum praestandum erit tactis Sanctis Evangeliis, et in singulis examinibus eodem modo repetendum.

§ 11. Qui examini subiiciendi sunt, seorsum semper audiantur. Porro cancellarius adnotabit diem, mensem et annum cuiuslibet examinis, necnon singulorum nomen, cognomen, aetatem, conditionem, statum et patriam et etiam quod iuramentum revera praestiterint.

§ 12. Post quodlibet examen, etiamsi eadem persona pluries illi subiicienda sit, cancellarius clara et intelligibili voce coram eadem legit interrogationes et responsiones, facta eidem facultate variandi aut declarandi quidquid ei visum fuerit; deinde ipse examinatus subscribat, et si fuerit illiteratus, faciet hoc signum Cru†cis; ac denique moderator actorum et defensor validitatis matrimonii apponent suam subscriptionem, et cancellarius de actu rogabit.

§ 13. Si aliquando contingat examinandos apud exteras et forsan longinquas regiones versari, nec tribunali se sistere posse, a moderatore actorum accurata factorum et circumstantiarum, quarum cognitio et confirmatio requiritur, expositio erit facienda, quae concinnatis opportunis in-

terrogationibus, de sententia quoque defensoris matrimonii, et indicatis examinandorum nominibus, ad Ordinarium loci, in quo commorantur, mittatur; ut ille sive per se, sive per suum Vicarium generalem, sive per alium virum probum et expertum e clero eligendum, eos examini subiiciat iuxta datas interrogationes, requisito prius iuramento de veritate dicenda, et ceteris servatis, quae supra praescripta sunt.

Si vero contigerit aliquem examini subiiciendum e vita migrasse, mortis documentum inter acta recenseatur.

§ 14. Quoad singulos in iudicium vocatos vel vocandos moderator inquirere debebit probitatem et credibilitatem, et ad hoc curabit, ut ab eorum parochis, sin minus a personis fide dignis, literae testimoniales exhibeantur, quae etiam in actis erunt referendae.

§ 15. Inter examinandos primo loco venit ille, qui accusationem contra matrimonium movit. Ab isto exquirendum erit, ut clare distincteque exponat accusationis titulum; facta omnia fideliter et religiose enarret eorumque probationes afferat; circumstantias omnes et indicia exponat quae vel ex propria scientia cognoverit, vel ex aliorum relatione didicerit; et denique nominet testes, quos de re instructos sciverit, vel saltem reputaverit.

§ 16. Secundo loco veniunt coniuges ipsi, qui semper, et seorsum audiri debent, ut unusquisque sua iura tueri, et rationes, deductiones ac facta allata aut reiicere, aut explicare queat. Quaelibet pars examini subiecta poterit vel illico post examen, vel etiam deinceps, antequam processus claudatur, proponere, si velit, articulos, super quibus alter

coniux sit examinandus; et quatenus etiam ab hoc articuli proponantur, erit iterum citandus coniux, qui primus fuerat examinatus, et super articulis ab altero propositis audiatur. Iuxta casuum diversitatem a coniugibus inquirendum erit, ut si qua documenta habeant ad suum matrimonium, vel ad coniugalem vitae consuetudinem spectantia, ea exhibeant, in acta recensenda. Quae documenta cuiuscumque generis sint, et a quocumque exhibeantur, semper erunt recipienda; et cancellarius adnotare debebit diem, mensem et annum necnon nomen illius a quo exhibita fuerunt.

§ 17. Si ambo coniuges concordes in depositionibus fuerint, moderator actorum et defensor matrimonii sedulo inspiciant, utrum inter eosdem collusio intercesserit. Hoc in casu singula argumenta contra eorum depositiones ex processu resultantia distincte iisdem obiiciantur, ut fraude, si qua fuerit, detecta veritas, quoad fieri possit, dilucide appareat.

§ 18. Post coniuges citandi erunt testes inducti, servata eorum examinandorum ratione superius descripta, et exquisitis ab iisdem iis notitiis, de quibus instructi existimantur. Interrogationes singulis faciendae, prout accusationis titulus, aut allata factorum et circumstantiarum congeries, vel ipsa testium indoles atque capacitas requirere videatur, sagacitati atque prudentiae moderatoris actorum et defensoris vinculi relinquuntur; qui illas concinnare, augere aut imminuere poterunt, dummodo tamen semper ea omnia inquirantur, quae ad rectum proferendum iudicium aut necessaria aut opportuna censeantur.

§ 19. Quae in actis continentur, nemini, ne ipsis quidem coniugibus eorumque defensoribus, erunt communicanda ante processus publicationem, uno excepto matrimonii defensore, cui liberum erit semper et quandocumque acta inspicere et examinare.

§ 20. Quatenus vero actorum moderatori aut defensori matrimonii nulla alia probatio requirenda vindeatur, finis imponatur probationum collectioni, et processus publicetur, edito hac super re decreto ab ipso moderatore, a defensore matrimonii et a cancellario subscribendo.

§ 21. Publicato processu, locus fiet defensionibus, quas partes ad sua iura tuenda voluerint allegare, facta iisdem facultate adhibendi eos defensores, quos maluerint; imo praemonende erunt de hoc iure, ut lata sententia, iniustae contra eam incusationi aut reclamationi aditus praecludatur. Allegationes autem, si ab iisdem oblatae fuerint, communicandae erunt defensori vinculi matrimonialis, ut eas expendere, et quatenus matrimonii validitatem impugnent, refutare valeat.

§ 22. Omnibus ut supra peractis, ad sententiam pronunciandam veniendum erit. Quod ut ab Ordinario seu eius delegato rite fiat, in primis a defensore matrimonii exquiri debet declaratio, sibi nihil amplius deducendum aut inquirendum superesse; deinde integra causa duobus aut tribus viris peritis, si haberi possint, examinanda subiiciatur et nonnisi audito eorum voto sententia proferatur.

Haec in scriptis erit exaranda, in eaque rationum momenta, quibus innititur, ex processu deprompta exponan-

tur, succincte quidem, sed ita tamen, ne quidpiam essentiale omittatur. Sententia subscriptione iudicis et secretarii, necnon sigillo curiae episcopalis munita partibus erit notificanda per curiae apparitorem, relicto iisdem illius exemplari, de quo in scripto fides erit facienda.

§ 23. Iudex si pro validitate matrimonii sententiam dixerit, et nemo ex coniugibus contra eam appellaverit, neque defensor matrimonii appellabit, et causa finita censeatur. E contra si matrimonium nullum fuisse decreverit, quamvis coniuges iudicio Praelati acquieverint, defensor matrimonii appellationem facere debebit, et novam sententiam ab alio tribunali postulare; quam appellationem primus iudex impedire nulla unquam ratione poterit. Interim nullatenus permittetur partibus novas nuptias inire.

Quamvis appellationi interponendae nulli fatales dies vinculi defensori statuti sint, curandum tamen ut quantocius id fiat. Quod si defensor ipse hoc munus neglexerit, compelli ad id poterit vel a suo Episcopo, vel etiam ab illo, ad quem de iure appellatio esset facienda.

§ 24. Ordo appellationis erit prout sequitur. Si prima sententia a curia Episcopali lata fuerit, appellatio fiet ad curiam Metropolitanam; si vero a curia Metropolitana ea prodierit, appellabitur ad curiam Metropolitanam viciniorem. Ad S. Sedem appellatio erit semper facienda, quoties primae duae sententiae inter se conformes non fuerint, nisi partibus placuerit causam ad ipsam S. Sedem ab initio et immediate deferre.

§ 25. Facta appellatione, Episcopus seu Ordinarius, qui

primam sententiam protulit, eam remittere debebit una cum integro processu ceterisque omnibus ad causam iterum iudicandam pertinentibus, ad tribunal ad quod appellatum est.

§ 26. Haec autem omnia a primo tribunali peracta diligenter examinabit atque ea omnia peraget quae necessaria videbuntur, ut defectus suppleantur, dubia elucidentur et errores corrigantur. Hunc in finem, praesente semper vinculi defensore in curia constituto vel specialiter delegato, coniuges examinabit, investigationes instituet circa documenta priori tribunali exhibita, testes, a quibus novae informationes hauriri possint, iterum audiet. Imo poterit etiam praescribere, ut novus processus ex integro conficiatur.

Verum quatenus validae desint rationes novum processum exigendi, consultius erit, praesertim si personarum et locorum circumstantiae id suaserint, ut processu iam expleto utatur, indictis tamen ulterioribus investigationibus, quas necessarias iudicaverit. Quod si novum processum faciendum esse censuerit, methodus supra descripta servanda erit. Si vero aliqua tantum nova acta adiungenda, vel novi aliquid investigandum censuerit, semper tamen defensor matrimonii adesse debebit, vel saltem nova haec eidem communicanda erunt, ut pro munere suo ea expendere, et quatenus opus esse duxerit, proprias animadversiones illis apponere valeat.

§ 27. Expleto examine primi processus, et imposito fine novis investigationibus, iudex appellationis debebit exqui-

rere a defensore matrimonii, utrum aliquid adhuc habeat deducendum aut inquirendum; et quatenus se nil amplius habere dixerit, auditis prius modo, quo supra declaratum est, aliquibus viris in scientia iuris peritis, sententiam pronuntiabit, omnia servando quae pro tribunali primae instantiae praescripta fuerunt.

§ 28. Quando utraque sententia conformis pro validitate coniugii pronuntiata sit, sciat tamen pars impugnans matrimonium, sibi adhuc omnino patere appellationem ad Apostolicam Sedem. Si porro in secunda aeque ac in prima sententia nullum ac irritum matrimonium iudicatum fuerit, et ab ea pars vel defensor pro sua conscientia non crediderit appellandum, in potestate et arbitrio coniugum sit novas nuptias contrahere, dummodo alicui eorum ob aliquod impedimentum vel legitimam causam id vetitum non sit. Potestas tamen post alteram sententiam conformem, ut supra, coniugibus facta intelligatur, salvo semper et firmo remanente iure seu privilegio causarum matrimonialium, quae ob cuiuscumque temporis lapsum numquam transeunt in rem iudicatam; sed si nova res, quae non deducta vel ignorata fuerit, detegatur, resumi possunt et rursus in iudicialem controversiam revocari. Quodsi a secunda sententia super nullitate vel altera pars appellaverit, vel defensor matrimonii ei salva conscientia acquiescendum non putet, quia sibi vel manifeste iniusta vel aliunde invalida videatur, re tota ad S. Sedem delata, interim firma remaneat utrique coniugi prohibitio ad alias transeundi nuptias.

The second particular part deals with the criterions for ascertaining the most important impediments.

(b) Regulation of the Cong. Concilii for the procedure in marriage processes, of August 22, 1840.

The *Sacra Congregatio Concilii* has issued at various times instructions for the procedure in marriage processes, the last of which, published August 22, 1840, is still in effect in its respective territory. It agrees in many points with the preceding regulation, nevertheless it has an independent significance because it regulates the evidence by *septima manus* and by *inspectio corporis*. Although for practical purposes it would suffice to point out the paragraphs upon these two points, still for various reasons it seems preferable to publish here the whole text.

Cum moneat Glossa (in cap. fin. de frig. et malef.) in causis matrimonialibus omnem cautelam esse adhibendam propter periculum animarum, quod et docuit Sanchez (de matrim. lib. 7 disp. 107) et Card. Argenvilliers (in dissert. matrimonii relat. inter vota Constantini P. 5 vol. ult. n. 16) plura hinc a Sacris Canonibus sancita sunt, ut tutum ac rectum iudicium efformari queat. Ad removendas vero fraudes, quae coniugum malitia vel collusione saepe oriebantur, S. M. Bened. XIV. (in Constit. *Dei miseratione*) processum conficiendum esse praecepit sub poena nullitatis omnium actorum, ut probationibus undequaque accuratissime cumulatis in causis huiusmodi omnium gravissimis, in quibus agitur de Sacramenti validitate vel nullitate, ac de

dissolvendo vinculo matrimoniali, iudices in proferendo iudicio tuti conquiescere possent. At quia saepe in hoc difficillimo processu acta minus recte, et apte ad veritatem eruendam conficiebantur, S. Congregatio saepius instructiones edidit, ac normam praescripsit, quam Episcopi sequerentur.

Cum itaque in huiusmodi causis non de iure alterutrius partis tantum, sed praecipue de Sacramentali vinculo dissolvendo agatur, processus acta non ad instar aliorum iudiciorum, praesertim civilium, sed iuxta SS. Canones, citatam S. M. Bened. XIV. Constitutionem et praesentem instructionen erunt efformanda. Ea itaque non vernaculo sed latino sermone erunt conscribenda, exceptis tamen excipiendis, nimirum articulis, interrogatoriis, responsionibus ad ea, et peritorum relationibus; praesertim vero decreta, et sententia, quae iuxta priscos mores erit conficienda, latina lingua exarabuntur. Praeterea cum a Sacro Concilio Trid. (sess. 24 cap. 20 de ref. § ad haec), ac etiam a S. M. Bened. XIV. (in cit. Constit. *Dei miseratione* § 4) causarum matrimonialium cognitio quibusvis iudicibus inferioribus, non obstante quovis privilegio ac praescriptione, fuerit sublata, ac Episcoporum tantum examini et iurisdictioni reservata etiam prae Abbatibus vere Nullius, licet Cardinalitia dignitate fulgentibus iuxta S. Congregationis resolutiones, hinc tutius erit, ut nedum sententia proferatur, sed etiam acta processus per Episcopum, vel per Ecclesiasticam personam specialiter ab eo diligendam conficiantur.

Hisce praemissis, quoties aliquis ex coniugibus instantiam in scriptis porriget super nullitate Matrimonii, Episcopus Iudicem, si velit, delegabit, deinde ipse, vel iudex delegatus citari mandabit Defensorem Matrimonii, quatenus in curia Episcopali iam deputatus existat, sin minus, idoneum virum deputabit iis qualitatibus praestantem, quas superius memorata Constitut. S. M. Bened. XIV. requirit, eumque citari mandabit. Defensoris Matrimonii erit praefixa die accedere ad praestandum iuramentum, se munus suum diligenter et incorrupte expleturum, et omnia voce ac scriptis deducturum, quae ad validitatem Matrimonii sustinendam conferre poterunt. Praeterea hic Defensor Matrimonii citandus erit ad quaelibet acta, ne vitio nullitatis ipsa tabescant. Ipsi, qui pro Sacramenti validitate stat, semper et quandocumque acta processus, etsi nondum publicati, erunt communicanda, semper et quandocumque eius scripta erunt recipienda, ac novi termini eo flagitante erunt prorogandi, ut ea perficiat et exhibeat.

Praefinita die in citatione comparebit instans pro nullitate, et tunc Defensor Matrimonii tradet interrogatoria clausa, et obsignata Cancellario seu Notario, aperienda illo postulante ex Iudicis decreto in actu examinis, super quibus interrogandus erit coniux instans pro nullitate. Iis ea addet etiam in actu examinis ex officio Iudex, quae ex responsionibus magis apta conspiciet ad veritatem eruendam sive in declarationem responsionum datarum, sive super novis circumstantiis resultantibus, quod erit intelligendum

etiam de aliis interrogatoriis, super quibus ceteri omnes de re instructi erunt examinandi.

Cum itaque advenerit statuta dies, pars nullitatem Matrimonii allegans comparebit, ut supra dictum, coram Iudice, adstante Defensore Matrimonii et Cancellario. Iudex deferet parti examinandae iuramentum de veritate dicenda, et deinde reserabit interrogatoria exhibita, ut supra dictum est, a Defensore Matrimonii, eaque singulatim proponet, audiet responsiones, easque dictabit Cancellario.

Interim dum pars erit examinanda ipse Cancellarius exscribet in processu primam interrogationem, et deinceps singulas ex ordine, post quas scribet responsiones a Iudice dictandas. Si quod interrogatorium, ut superius monitum est, addatur ex officio a Iudice vel a Defensore Matrimonii, Cancellarius interrumpet ordinem progressivum, et adnotabit interrogata ex officio; et scripta interrogatione et responsione, reassumet ordinem progressivum interrogationum exhibitarum a Defensore Matrimonii.

Si examen una sessione absolvi non poterit, Iudex illud suspendet ac destinabit etiam diem et horam pro reassumptione et prosecutione iisdem modo ac forma facienda, ut supra dictum est. Absoluto examine Cancellarius leget clara et intelligibili voce responsiones datas, facta examinato facultate variandi, et declarandi datas responsiones, prout ei libuerit. Tandem iudex deferat iuramentum eidem coniugi, se vera dixisse, atque nunquam ante publicationem processus se evulgaturum sive interrogationes propositas, sive responsiones datas. Deinde ipse

subscribet, et si fuerit illiteratus per signum Cru✝cis; dein Iudex et Defensor validitatis matrimonii apponet suam subscriptionem, et Cancellarius de actu rogabit.

Poterit pars examini subiecta vel illico post examen vel etiam deinceps antequam publicetur processus, si velit articulos proponere, super quibus etiam, citato Defensore Matrimonii, erit examinandus alter coniux, et quatenus etiam ab hoc articuli proponantur, erit iterum citandus coniux, qui primus fuerat interrogatus, et adstante Defensore Matrimonii, super articulis ab altero propositis audietur.

Haec norma quae data fuit pro instantis examine servanda erit, congrua congruis referendo, in quovis alio examine.

Expleto examine illius coniugis qui actor fuit in promovenda nullitatis querela, sequitur examen alterius coniugis, quod erit conficiendum iisdem prorsus methodo ac lege, quae praescriptae fuerunt in praecedentibus paragraphis, ac sub iisdem interrogatoriis actori propositis, vel aliis additis, vel novis confectis prout Defensor Matrimonii in Domino censuerit.

Deinde procedendum erit ad examen septimae manus, hoc est septem propinquorum ex utroque latere ad formam Text. (in Cap. Litterae Vestrae: de frig. et malef.) Ut id facilius exequi Iudex valeat, Defensor Matrimonii citabit partem actricem, ut indicet septem sibi sanguine vel affinitate coniunctos, si fieri possit, sin minus septem vicinos bonae famae. Singuli, audita prius lectura examinis, seu

confessionis coniugis eos inducentis, erunt interrogandi, utrum perspectam habeant religionem et honestatem illius coniugis, ut propterea sibi verosimile sit, ac credant eum vera dixisse. Similiter instante Defensore Matrimonii citandus erit alter coniux, ut etiam ipse indicet septem propinquos vel affines, iisque deficientibus, septem vicinos bonae famae, qui ut supra dictum est deponant; seorsim erunt hi quatuordecim conflantes septimam manum examini subiici endi designatis diebus et horis, delato prius iuramento singulis. Defensor Matrimonii interrogatoria clausa exhibebit, ut superius dictum est.

Liberum erit coniugibus testes bonae famae ac de re instructos inducere, qui omnes seorsim et methodo hactenus praescripta erunt examini subiiciendi.

Si alios etiam Defensor Matrimonii ex actis iam confectis deprehendet de re instructos, hos etiam citabit, ut examini subiiciantur. Si qui forsan absentes noscantur, qui commode ad Civitatem accedere nequeant etiam ob distantiae sumptus, vel ad partis instantiam, vel ea silente, ad instantiam Defensoris Matrimonii erunt ab Episcopo illius Dioecesis, in qua morantur, examinandi iuxta interrogatoria ab eodem Defensore conficienda, ac clausa et obsignata transmittenda, deputato ab eodem Episcopo altero idoneo viro, qui praestet requisitis in Bulla saepius laudata S. M. Bened. XIV. praescriptis, quique expleat munus Defensoris validitatis matrimonii, et examini adsit.

Omnes vero testes, congrua congruis referendo, rogandi erunt praesertim quando initum fuerit Matrimonium;

utrum inter coniuges mutui amoris et benevolentiae signa intercesserint; quamdiu in eadem domo, vel Civitate cohabitaverint; utrum innotuerit eos consummationi operam dedisse; an inde matrimonium consummatum censeretur; de causis consummationem impeditivis; de conquestionibus, quando et cum quibus factis, et cur nolint amplius in matrimonio permanere.

Si querela super impotentia versetur, interrogandi erunt periti physici, quos coniuges consuluerunt.

Praeteria quatenus querela super nullitate ex iis sit, ut solvi possit Matrimonium, si coniuges illud non consumarunt, tunc procedendum erit ad inspectionem corporis coniugum seorsim sequenti methodo perficiendam, instante praesertim Defensore Matrimonii.

Iudex praefiget terminum tam utrique coniugi, quam Defensori Matrimonii ad exhibendas notulas Peritorum Medicorum et Chirurgorum confidentium, et diffidentium pro utriusque coniugis inspectione, congrua congruis referendo.

Exhibitis notulis a partibus Iudex eliget quinque peritos, tres scilicet Medicos, et duos Chirurgos ex his, in quibus partes consentiant, sin minus ex officio eos, qui tamen partibus non sint rationabiliter suspecti, deputabit; atque curabit, ut deputatio cadat super celebrioribus Civitatis tum quoad scientiam, tum quoad religionem et honestatem, atque his Peritis facultatem dabit recognoscendi corpus viri, adhibitis honestis mediis ad explorandam ipsius potentiam, necnon facultatem, quatenus non conveniant in prima inspectione, iterum accedendi. Atque in eodem decreto diem,

horam et locum destinabit, in quibus Periti accedent, ut inspectionem perficiant.

Designata die et hora, ad locum accedent Iudex, Defensor Matrimonii, Cancellarius, ac Periti. Singuli ex peritis, ac seorsim corpus viri inspicient ea qua fieri poterit decentia, et factis experimentis, quae iuxta artem, non tamen illicitis, opportuna iudicabunt, singuli scriptam emittent relationem.

In inspectione, et relatione haec praecipue investiganda, et referenda erunt.

An adsint signa physice certa impotentiae deducta ex conformatione partium, aut ex aliquo vitio, quod apparere poterit. An adsint signa, quae moralem certitudinem inducant impotentiae, et quatenus existant, quae sit huius impotentiae causa, utrum sit impotentia perpetua insanabilis, ac praecedens Matrimonium, an signa impotentiae sint dubia vel aequivoca.

Peracta relatione a singulis seorsim, Defensor Matrimonii exhibebit interrogatoria clausa, sigillata, super quibus fieri debet examen Peritorum, sibique reservabit ius addendi alia interrogatoria, ac iterum ea ad examen revocandi. Si examen singulorum Peritorum eadem die perfici nequiverit, Iudex aliam diem designabit, ut illud prosequatur. Uterque ex Peritis tum ante examen iuramentum praestabit de veritate dicenda, tum post examen iuramento dicta confirmabit, sese propria manu subscribens, Iudex, Defensor validitatis Matrimonii, et Cancellarius se subscribent, qui actum rogabit.

Procedendum etiam erit ad inspectionem corporis mulieris. Iudex, ut supra dictum est de Peritis, tres saltem Obstetrices deputabit, quae a duobus saltem Peritis uno Medico, et altero Chirurgo, ut supra seligendis, sedulo erunt instruendae de recognoscendo visu et tactu in muliebrium inspectione. Statuta autem huius inspectionis die mulier erit traducenda ad domum honestae Matronae pariter a Iudice deputandae pro infrascripta praestanda personali adsistentia, atque adstantibus semper tribus Obstetricibus et Matrona, immergenda erit in balneo aquae tepentis a Peritis prius recognoscendo, quod sit aquae purae, quo in balneo per spatium saltem trium quadrantium horae unius permanere debebit; quo tempore transacto, adstantibus semper et praesentibus Matrona, et Obstetricibus, statim ne ullum spatium, aut momentum temporis mulieri detur, quo ad arctandum vas ullo medicamento, aut aliqua fraude uti queat, ad ipsius corporis inspectionem a singulis seorsim deveniendum erit, adstante semper et praesente Matrona; qua in re prospiciendum etiam, ut haec recognitio fiat tempore tantum diurno et in cubiculo luminoso, ut ex inspectione huiusmodi utrum mulier virgo sit an violata et corrupta, adhibitis artis regulis, exactius deprehendatur.

Iudex, Defensor Matrimonii et Cancellarius cum Peritis, ut supra ad domum Matronae accedent. Peracta hinc recognitione, seorsim singulae Obstetrices referent de virginitatis, aut corruptionis indiciis ab inspectione resultantibus, an certa et qualia supersint signa et argumenta intemerati, aut corrupti claustri virginalis, et an ulla fraus ad vir-

ginitatem simulandam adhiberi potuerit. Deinde super his magis praecise deponent in responsionibus ad interrogatoria, quae clausa et obsignata exhibebit Defensor validitatis Matrimonii. Deinde formali examini erunt subiiciendi Periti, quorum iudicium erit exquirendum super relatis et depositis ab Obstetricibus. Tandem examen subire debebit quoque Matrona quoad praestitam toto balnei et recognitionis tempore adsistentiam, servatis quoad examen iis omnibus, quae superius dicta sunt, congrua tamen congruis referendo.

Quatenus Defensori Matrimonii nulla alia probatio exquirenda videatur, nullamque putet aliam Iudex prae sua diligentia assumendam, finis imponetur probationum collectioni et publicabitur processus, edito super hoc decreto a Iudice, factisque subscriptionibus ab Eo, a Defensore Matrimonii, et a Cancellario. Haec habenda methodus. Quae in actis continentur, nemini nec ipsis quidem coniugibus eorumque Defensoribus erunt communicanda ante processus publicationem, uno excepto Defensore Matrimonii, cui libera semper et quandocumque erit actorum inspectio et examen.

Locus deinde erit defensionibus. Liberum etiam erit Defensori Matrimonii post processus publicationem novas probationes exquirere, cum agat favore Sacramenti, et numquam bina sententia nullitatis conformis transeat in rem iudicatam, ac reassumi causa possit etiam post initas novas nuptias a partimus iuxta Constitut. saepius citatam *Dei miseratione*.

Omnibus absolutis, et cum nil amplius deducendum censuerit Defensor Matrimonii, sententiam proferet Episcopus.

Si hac Matrimonii nullitas decreta fuerit, debebit Defensor Matrimonii appellare iuxta citatam Constitutionem, nec poterunt coniuges ad alia vota transire nisi post obtentam alteram sententiam conformen super nullitate sub poenis contra polygamos constitutis in citata Constitutione *Dei miseratione*. Deinde transmittenda erunt acta ab Episcopo ad Iudicem, ad quem provocatum fuit, in copia authentica, soluta per partem diligentiorem competenti mercede Cancellario.

(c) Constitution of Benedict XIV "Dei Miseratione" of November 3, 1741.

This famous Constitution was promulgated by Benedict XIV to prevent as far as possible the frivolous dissolution of validly contracted marriages by ecclesiastical tribunals. For the protection of the Sacrament of Matrimony the Pope instituted the *Defensor matrimonii*, who in virtue of his *scientia iuris et vitae probitas* is to be scientifically and morally qualified to defend effectually the validity of contracted marriages. Under pain of invalidating the process this *Defensor matrimonii* must be consulted in all actions of such processes. He has, furthermore, the duty of appealing *ex officio* against the judge's sentence of nullity, if there are

not *duae sententiae conformes* against the validity of the marriage in question.*

Notwithstanding the great importance of the Constitution *Dei miseratione* we may omit its reproduction here, as all its essential points have been incorporated in the above regulation of 1883.

It should be mentioned, however, that the severe measures prescribed in the Constitution, particularly in regard to the *inspectio corporis,* may be mitigated. See *Instructio S. C. S. Officii,* 1858 (*Acta S. Sedis* 31, 1898): "Pro conficiendo processu super viri impotentia, et non secuta matrimonii consummatione, accedente Pontificis dispensatione ab accurata observantia praescriptionum Bullae Benedicti XIV *Dei miseratione.*"

* It is the authority of a bishop, however, acting jointly with the *defensor vinculi matrimonialis,* to pronounce invalid a marriage about which there is incontestable evidence of one of the following impediments, viz.: diversity of creed (union with an unbaptized person); previous marriage tie still existing; consanguinity; affinity; spiritual affinity, and clandestinity. The fact of the impediment must be proved by authentic documents, or other absolutely reliable evidence. (*Decretum S. Officii, die 5 Junii* 1899.)

CHAPTER III

PENAL PROCEDURE AT THE ROMAN CURIA

Of the Congregations of the Roman Curia the two related departments of the Sacred Office and of the Index have the special character of penal tribunals, the former for the punishment of delicts of faith, the latter in the objective condemnation of books dangerous to faith and morals. Also the *Congr. Epp. et Regg.* and the *Congr. Concilii* concern themselves with conducting criminal processes. The *Congr. Epp. et Regg.* especially is competent for appeals in penal matters, and for this reason it has issued a special regulation for the conduct of criminal processes in the appellate instance.

1. Regulation of the Congregation of Bishops and Regulars for penal processes in the Appellate instance, of December 18, 1835.

Non ita pridem a S. Congregatione negociis, et consultationibus Episcoporum, et Regularium praeposita nonnullae regulae praescriptae fuerunt pro recta et expedita definitione causarum criminalium, quae a Curiis Episcoporum, vel Ordinariorum ad eamdem S. Congregationem in gradu appellationis deferuntur. Quas quidem praescriptiones, quoniam impedimenta sublata sunt, quae aliqua ex parte

earum executioni interposita fuerant, visum est Eminentissimis Patribus in Conventu habito XV. Calend. Ianuar. MDCCCXXXV. uberius explicare, et cum assensu, et approbatione S. D. N. Gregorii XVI. iterum promulgare, ut ab omnibus, ad quos pertinent, accuratissime serventur. Sunt autem quae sequuntur.

I. Reis a Curiis Episcopalibus criminali iudicio damnatis spatium dierum decem conceditur, quo ad S. Congregationem Episcoporum, et Regularium appellare possint.

II. Decem dies numerari incipient non a die, quo sententia lata est, sed a die, quo reo vel eius defensori per Cursorem denunciata fuit.

III. Eo tempore elapso, quin reus vel eius defensor appellaverit, latam a se sententiam Episcopus exequetur.

IV. Interposita intra decem dies appellatione Curia Episcopalis acta autographa totius causae ad S. Congregationem continuo transmittat, nempe:

1. Processum ipsum in Curia confectum.

2. Eius restrictum, seu compendiariam expositionem eorum, quae ex eodem processu emergunt.

3. Defensiones pro reo exhibitas.

4. Denique sententiam latam.

V. Ipsa Curia reo, eiusque defensori denunciabit, appellationem coram eadem S. Congregatione prosequendam esse.

VI. Si nemo compareat, aut si appellationis acta negligenter vel malitiose protrahantur, congruens tempus a congregatione praefinietur, quo inutiliter elapso, causa deserta censeatur, et sententia Curiae Episcopalis executioni mandetur.

VII. Reo, aut illi, qui eius defensionem suscepit, tradendus est restrictus processus, qui a Iudice relatore conficitur.

VIII. Allegationes, seu defensiones Eminentissimis Patribus distribuendae typis non committantur, nisi Iudex relator imprimendi veniam dederit.

IX. Causa definietur statuta die ab Eminentissimis Patribus in pleno Auditorio congregatis.

X. Eidem Congregationi Procurator Generalis Fisci, et Iudex relator intererunt.

XI. Iudex relator de toto statu causae ad Eminentissimos Patres refert, et Procurator Generalis Fisci stabit pro Curia Episcopali, suasque conclusiones explanabit.

XII. Post haec Eminentissimi Patres iudicium proferent, sententiam Curiae Episcopalis aut confirmando, aut infirmando, aut etiam reformando.

XIII. Prolata Sententia una cum omnibus Actis causae ad eamdem Curiam Episcopalem remittitur, ut eam exequatur.

XIV. Revisio seu recognitio rei iudicatae non conceditur, nisi eius tribuendae potestas a Sanctitate sua facta fuerit, et subsint gravissimae causae, super quibus cognitio, et iudicium ad plenam Congregationem pertinet.

XV. Sciant denique Curiae Episcopales per novissimas leges, quae ad investiganda, et coercenda crimina pro Tribunalibus laicis promulgatae sunt, nihil detractum esse de formis, et regulis Canonicis, quas proinde sequi omnino debent, non modo in conficiendo processu, ad quem spectant haec verba Edicti diei 5. Novembris 1831 "Nihil innovetur, quan-

tum ad iudicia ecclesiastica pertinet" verum etiam in poenis discernendis, quemadmodum in appendice eiusdem Edicti ita cautum est "Tribunalia iurisdictionis mixtae Clericos, et Personas ecclesiasticas iis poenis mulctabunt, quas secundum Canones, et Constitutiones Apostolicas Tribunal Ecclesiasticum iisdem irrogaret."

2. Regulation of the Congregation of Bishops and Regulars for the summary procedure at episcopal courts in disciplinary and penal matters of the clergy, June 11, 1880.

Like the above quoted regulations for the procedure in marriage cases, the regulation of the penal procedure in matters of the clergy is of special significance for the parochial clergy, which will justify its publication in this place. Instead of the Italian original we give the Latin translation taken from the Acta S. Sedis, XIII, 324 sqq; a version which has been generally adopted.

Sacra haec EE. et RR. Congregatio, mature praesenti Ecclesiae conditione perpensa, quae pene ubique impeditur, quominus externam explicet suam actionem super materias et personas ecclesiasticas, et considerato quoque defectu mediorum aptorum pro regulari Curiarum ordinatione, constituit facultatem Ordinariis locorum expresse concedere, ut formas magis oeconomicas adhibere valeant in exercitio suae disciplinaris iurisdictionis super Clericis. Ut autem tota iustitiae ratio sarta tectaque maneat, serveturque pro-

cessuum canonica regularitas et uniformitas, opportunum censuit sequentes emanare normas, a Curiis servandas.

I. Ordinario pastorale onus incumbit disciplinam correctionemque Clericorum a se dependentium curandi, super eorumdem vitae rationem vigilando, remediisque utendo canonicis ad praecavendas apud eosdem et eliminandas ordinis perturbationes.

II. Ex his remediis alia praeveniunt, alia reprimunt et medelam afferunt. Priora ad hoc diriguntur, ut impediant, quominus malum adveniat, ut scandali stimuli, occasiones voluntariae, causaeque ad delinquendum proximae removeantur. Altera finem habent revocandi delinquentes, ut sapiant reparentque admissi criminis consequentias.

III. Conscientiae et prudentiae Ordinarii horum remediorum incumbit applicatio iuxta canonum praescriptiones et casuum adiunctorumque gravitatem.

IV. Mediis, quae praeservant, praecipue accensentur spiritualia exercitia, monitiones et praecepta.

V. Has provisiones praecedere debet summaria facti cognitio, quae ab Ordinario notanda est, ut ad ulteriora procedere, quatenus opus sit, et certiorem reddere queat superiorem Auctoritatem, in casu legitimi recursus.

VI. Canonicae monitiones fiunt sive in forma paterna et secreta (etiam per epistolam aut per interpositam personam), sive in forma legali, ita tamen, ut de earumdem executione constet ex aliquo actu.

VII. Quatenus infructuosae monitiones evadant, Ordinarius praecipit Curiae, ut delinquenti analogum iniungatur

praeceptum, in quo declaretur, quid eidem agendum aut omittendum sit, cum respondentis poenae ecclesiasticae comminatione, quam incurret in casu transgressionis.

VIII. Praeceptum intimatur praevento a Cancellario coram Vicario Generali, sive coram duobus testibus ecclesiasticis aut laicis probatae integritatis.

§ 1. Actus subsignatur a partibus praesentibus et a praevento quoque, si velit.

§ 2. Vicarius Generalis adiicere valet iuramentum servandi secretum, quatenus id prudenter expetat tituli indoles, de quo agitur.

IX. Quoad poenalia media, animadvertant reverendissimi Ordinarii, praesenti instructione haud derogatum esse iudiciorum solemnitatibus, per sacros Canones, per Apostolicas Constitutiones et alias ecclesiasticas dispositiones imperatis, quatenus eaedem libere efficaciterque applicari queant; sed oeconomicae formae consulere intendunt illis casibus Curiisque, in quibus solemnes processus, aut adhiberi nequeant, aut non expedire videantur. Plenam quoque vim servat suam extraiudiciale remedium ex informata conscientia pro criminibus occultis, quod decrevit s. Tridentina synodus in Sess. 14 cap. 1. de Reform. adhibendum, cum illis regulis et reservationibus, quas constanter servavit pro dicti capitis interpretatione s. C. Congregatio in pluribus resolutionibus, et praecipue in Bosnien. et Sirmien. 20. Decembris 1873.*

X. Quum procedi oporteat criminaliter, sive infractionis praecepti, aut criminum communium, vel legum Ecclesiae

**Vide* Acta S. Sedis VII, 575.

violationis causa processus confici potest formis summariis et absque iudicii strepitu, servatis semper regulis iustitiae substantialibus.

XI. Processus instruitur ex officio aut in sequelam supplicis libelli et querelae, aut notitiae, alio modo a Curia habitae, et ad finem perducitur eo consilio, ut omni studio atque prudentia veritas detegatur, et cognitio tum criminis, cum reitatis aut innocentiae accusati exurgat.

XII. Processus confectio committi potest alicui probo atque idoneo ecclesiastico, adstante Actuario.

XIII. Unicuique Curiae opus est Procuratore fiscali pro iustitiae et legis tutela.

XIV. Quatenus pro intimationibus aut notificationibus haud praesto sit opera Apparitorum Curiae, suppletur exhibitione earumdem explenda per qualificatam personam, quae de facto certioret; sive eas transmittendo, ope commendationis penes tabellariorum officium. illis in locis in quibus hoc invaluit systema, exposcendo fidem exhibitionis, receptionis aut repudii.

XV. Basis facti criminosi constitui potest per expositionem in processu habitam, authenticis roboratam informationibus aut confessionibus extraiudicialibus, vel testium depositionibus, et quoad titulum transgressionis praecepti constat per novam exhibitionem decreti et actus iurisdictionis, perfectorum modis enuntiatis Art. VII et VIII.

XVI. Ad retinendam in specie culpabilitatem accusati opus est probatione legali, quae talia continere debet elementa, ut veritatem evincat, aut saltem inducat moralem

certitudinem, remoto in contrarium quovis rationabili dubio.

XVII. Personae, quas examinare expediat, semper audiuntur separatim.

XVIII. Testes ad probationem, aut ad defensionem, quoties legalia obstacula haud obsistant, sub iuramento audiri debent, quod extendi potest, si opus sit, ad obligationem secreti.

XIX. Testium absentium, aut in aliena Dioecesi morantium exposcitur examen in subsidium ab Ecclesiastica loci auctoritate, eidem transmittendo prospectum facti; et Auctoritas requisita petitioni respondet, servando praesentis instructionis normas.

XX. Quoties indicentur testes ob facta aut adiuncta essentialiter utilia merito Causae, qui examini subiici nequeant, eoquod censeatur haud convenire, ut vocentur, aut quia vocati abnuant, mentio eorum fit in actibus, et curatur supplere eorum defectui per depositiones aliorum testium, qui de relato aut alia ratione noverint id quod exquiritur.

XXI. Quum collectum fuerit quidquid opus sit ad factum et accusati responsibilitatem constituendam, vocatur iste ad examen.

XXII. In indictione, nisi prudentia id vetet, exponuntur ei per extensum accusationes adversus eum collectae, ut parari valeat ad respondendum.

XXIII. Quando autem ob accusationum qualitates, aut ob alia adiuncta prudens non sit in actu intimationis eas patefacere, in hac solum innuitur eumdem ad examen vocari, ut sese excuset in Causa, quae ipsum respicit uti accusatum.

XXIV. Si iudicio sistere abnuat, iteratur indictio, in qua eidem praefigitur congruus peremptorius terminus, eique significatur, quod si adhuc obedire renuat, habebitur ceu contumax; et pro tali in facto aestimabitur, quatenus absque probato legitimo impedimento, istam quoque posthaberet intimationem.

XXV. Si compareat, auditur in examine; et quatenus inductiones faciat alicuius momenti, debent istae, quantum fieri potest, exhauriri.

XXVI. Proceditur inde ad contestationem facti criminosi, et conclusionum habitarum, ad retinendum accusatum criminosum lapsumque in relativis poenis canonicis.

XXVII. Quum accusatus, tali modo, habeat plenam cognitionem eius, quod in actis constat contra se, ultra quod respondere possit iure se defendendi a semetipso etiam uti valeat.

XXVIII. Potest quoque, si id expetat, obtinere praefixionem termini ad exhibendam defensionem cum memoria in scriptis, praecipue quando ob dispositionem Art. XXIII. nequiverit paratus esse ad responsa pro sua excusatione.

XXIX. Expleto processu, actorum instructor restrictum conficit essentialium conclusionum eiusdem.

XXX. In die qua causa proponitur, est in facultate accusati faciendi se repraesentare et defendere ab alio Sacerdote aut laico Patrocinatore, antea approbatis ab Ordinario.

XXXI. Quatenus praeventus constituere defensorem renuat, Ordinarius consulit constituendo aliquem ex officio.

XXXII. Defensor caute notitiam haurit processus et re-

stricti in Cancellaria, ut paratus sit ad defensionem peragendam, quae ante propositionem causae exhiberi potest in scriptis. Ipse quoque subiicitur oneri secreti iurati, quatenus Ordinario videatur indolem Causae id expostulare.

XXXIII. Transmittitur dein Procuratori fiscali processus et restrictus, ut munere suo ex officio fungatur; uterque Ordinario traditur, qui plena Causae cognitione adepta, diem constituit, in qua disceptanda et resolvenda sit, curans ut accusatus certior de hoc fiat.

XXXIV. Die constituta proponitur Causa coram Vicario generali, interessentibus Procuratore fiscali, Defensore et Cancellario.

XXXV. Post votum Procuratoris Fisci et deductiones defensionis profertur sententia, dictando dispositivam Cancellario, cum explicita mentione, in casu damnationis, canonicae sanctionis, accusato applicatae.

XXXVI. Sententia indicitur praevento, qui appellationem interponere potest ad Auctoritatem Ecclesiasticam superiorem.

XXXVII. Pro appellatione serventur normae statutae a Constitutione Ad militantes s. m. Bened. XIV. 30. Martii 1742, aliaque emanatae ab hac S. Congregatione Decreto 18. Decembris 1835 et Littera circulari diei 1. Augusti 1851.

XXXVIII. Comparitio pro appellatione facienda es infra terminum decem dierum a notificatione sententiae; quo termino inutiliter elapso, sententia ipsa in executionis statu reperitur.

XXXIX. Interposita appellatione infra decem dies, Curia

absque mora remittit ad Auctoritatem ecclesiasticam superiorem, apud quam appellatio facta est, omnes factus Causae originales, id est processum, restrictum, defensiones et sententiam.

XL. Auctoritas ecclesiastica superior, capta cognitione actus appellationis, intimare facit appellanti, ut infra terminum viginti dierum Defensorem constituat, qui approbari debet ab eadem superiori Auctoritate.

XLI. Decurso dicto termino peremptorio absque effectu, censetur appellantem nuntium misisse appellationis beneficio, et haec consequenter perempta declaratur a superiori Auctoritate.

XLII. Quum appellatio producitur a sententia alicuius Curiae episcopalis ad Metropolitanam, Archiepiscopus pro cognitione et decisione Causae sequitur normam procedendi in hac instructione traditam.

XLIII. Si contingat quod Clericus, non obstante fori privilegio, ob crimina communia subiiciatur processui et iudicio laicae potestatis, Ordinarius, hoc in casu, summariam sumit criminosi facti cognitionem, atque perpendit an ipsum, ad tradita per sacros canones, locum faciat infamiae, irregularitati, aut aliae ecclesiasticae sanctioni.

§ 1. Donec iudicium pendeat, aut accusatus detentus sit, prudens est, quod Ordinarius sese limitet ad media provisoria.

§ 2. Expleto tamen iudicio, et libero reddito accusato, Curia iuxta exitum informationum ceu superius assumpta-

rum, procedit ad tramites dispositionum praesentis instructionis.

XLIV. In casibus dubiis, et in variis practicis difficultatibus, quae contingere possint, Ordinarii consulant hanc s. Congregat., ad vitandas contentiones et nullitates.

Literature: MICHAEL LEGA, *Praelectiones in textum iuris canonici de iudices ecclesiasticis in scholis Pont. Sem. habitae.* Vol. I-IV. ROMAE 1896-1901. The work treats of the entire ecclesiastical process law, including the penal law. By the same author: *Compendium praelectionum de iudiciis ecclesiasticis.* For the study of the marriage process may be recommended: Jos. MANSELLA, *De causis matrimonialibus, ed. alteram curab.* F. SOLIERI. G. PÉRIES. *Code de procédure canonique dans les causes matrimoniales.* PARIS 1893. BASSIBEY, *Le mariage devant les tribunaux ecclesiastiques. Procédure matrimonial générale.* PARIS 1899. PIERANTONELLI, *Ordo iudicarius in praxim tractatus matrimonii cum causarum speciminibus.* ROMAE 1904.

With the penal procedure against clerics deal the following works: G. PÉRIES, *Les causes disciplinaires et criminelles des clercs. Notions pratiques sur la procédure ecclésiastique et le fonctionnement des officialités diocesains.* PARIS 1898. CARD. GENNARI, *Sulla privazione del beneficio ecclesiastico e sul processo criminale dei chierici.* 2d ed. ROMA 1905.

CHAPTER IV.

THE FOUNDATION AND APPROBATION OF RELIGIOUS CONGREGATIONS WITH SIMPLE VOWS

Religious Congregations are distinguished from religious Orders by their less rigid mode of personal allegiance (*vota simplicia*), by their simpler organization and constitution, and by their freer intercourse with the world. Their activity is chiefly directed to the work among the spiritually or materially poor. As a product of modern civilization they are in some ways better fitted to deal with the conditions of the times than the austere orders of the Middle Ages, which were generally founded with a tendency to seclude themselves from the world and with the chief aim of personal sanctification. The Church has for this reason manifested her appreciation of the religious congregations and has frequently bestowed great praise upon them.

Up to very recent times the foundation and initial approbation of a religious congregation rested entirely with the jurisdiction of the diocesan bishop. As a result of this condition there was everywhere an easy opportunity for the establishment of such religious institutions; they appeared in considerable number, carefully fitted to local conditions and surroundings, and soon became an important element in the promotion of Christian life and of ecclesiastical development. On the other hand, these very satisfactory results

harbored the danger of an excess in foundations over the actual need and of a disturbance of the necessary harmony by too many various establishments. Moreover, there were once in a while called into existence institutions that had for their avowed aim the accomplishment of objects of little or no real value.

In order to protect the Church against the dangers just referred to, the Holy Father decreed by his *Motu proprio: Dei providentis,* of July 16, 1906, that thereafter no bishop was permitted to found, or allow to be founded, within his diocese a religious congregation of either sex, without first submitting the proposition to the *S. Cong. Episcoporum et Regularium.* This Congregation is in all such cases to inquire whether the intended foundation is demanded by an actual want in the diocese, and whether there is good prospect for a healthy material condition and for a beneficial activity of the new institution. If the actual *necessitas* and the probable *utilitas* are ascertained, the desired permission is given by the Holy See, and the bishop may found, or allow to be founded, the new congregation. Its statutes are then approved by the bishop, provided they comply with the *Normae* prescribed by the *S. Congr. Episcoporum et Regularium* under date of June 28, 1901. These *Normae, secundum quas S. Congregatio Episcoporum et Regularium procedere solet in approbandis novis Institutis votorum simplicium* (59 pages, Propaganda, Rome) contain in 325 articles a codification of the most important provisions of the laws affecting religious congregations with simple vows.

There is therefore no source of information of so much value and weight for congregations as these *Normae.*

Notwithstanding the fact that new congregations are founded by authorization of the Holy See, they have at the beginning only the legal standing of *diocesan* institutions, and, according to the constitution of Leo XIII *Conditae a Christo,* of December 8, 1900, are in all matters subject to the jurisdiction of the bishop.

Only after securing the final papal approbation, which is gradually obtained in the familiar four stages of *Decretum laudis, Approbatio instituti, Approbatio Constitutionum ad experimentum,* and, finally, *Approbatio definitiva,* the congregations achieve greater independence from episcopal jurisdiction, as set forth in the above mentioned Bull *Conditae a Christo.* The final approbation by the Holy See can not be requested or bestowed until a suitable time (10 to 15 years) has passed since the foundation, the congregation having during this time given manifest proof of its meritorious activity.

By decree of the *S. Congr. Episcoporum et Regularium,* of July 16, 1906, all religious institutions with simple vows are held to submit to this Congregation every third year a minute report of their condition. The various points to be covered by this report are enumerated in an extensive *Elenchus quaestionum.*

Full information about all these matters may best be obtained by a study of the decrees referred to, and for this purpose they may here follow.

De Religiosorum sodalitatibus nisi consulta Apostolica Sede non instituendis

PIUS PP. X

MOTU PROPRIO

Dei providentis benignitatem, opportune Ecclesia temporibus subvenientem, cum alia multa ostendunt, tum hoc praeclare quod veteribus religiosorum Ordinibus ob conversionem publicarum rerum dispersis afflictisque, nova instituta accessere, quae, professionem religiosae vitae retinendo, ingravescentibus christiani populi necessitatibus multipliciter deserviunt. Illas hoc loco, ut apparet, utriusque sexus Familias dicimus, proprio et titulo et habitu distinctas easdemque solo simplicium votorum aut nullo id genus vinculo adstrictas, quarum sodales, licet in plures distributi domos, eisdem tamen legibus ac sub uno summo praeside omnes vivunt, eo proposito, ut perfectionem virtutis ipsi assequantur, seque proximorum causa in variis religionis aut misericordiae operibus exerceant. Profecto sodalitatum istiusmodi, tam bene de Ecclesia deque ipsa civili societate merentium, sperandum est, numquam defuturam copiam: hodieque libet agnoscere, usque adeo eas increbuisse, ut nullum videatur asse ministrandae caritatis christianae genus, quod illae reliquum fecerint. Veruntamen, quae est humanae conditionis infirmitas, ex ipsa ista talium sodalitatum frequentia, nisi temperatio aliqua iuris accesserit, fieri non potest quin aliquando sacrae disciplinae perturbatio quaedam oriatur et confusio. Itaque ad hoc avertendum incommo-

dum plura iam Apostolica Sedes edixit; nominatimque cavit, ne ibi sodalitas nova conderetur, ubi per alias iam conditas necessitatibus locis satis consultum esset; neve ulla usquam sineretur institui, quae aut redditibus careret, ad sodalium victum necessariis, aut quidquam minus decorum in titulo, in habitu, in opere exercendo prae se ferret. Praeterea Sacrum Consilium Episcoporum et Regularium negotiis praepositum nonnulla praescripsit antea servanda, quam hae sodalitates earumque constitutiones approbatione aut laude Sedis Apostolicae honestarentur. At vero experimentis compertum est, nondum per has praescriptiones satis esse provisum, ne sodalitates ab suis exordiis in eo statu collocentur, unde postea, quum Apostolicae Sedis comprobatio erit assequenda, debeant magno saepe cum detrimento recedere. Quare, de eiusdem Sacri Concilii sententia, haec Nos quae infra scripta sunt, motu proprio statuimus:

I. Nullus Episcopus aut cuiusvis loci Ordinarius, nisi habita Apostolicae Sedis per litteras licentia novam, alterutrius sexus sodalitatem condat aut in sua dioecesi condi permittat.

II. Ordinarius, huius licentiae impetrandae gratia, Sacrum Consilium Episcoporum et Regularium negotiis praepositum adeat per libellum supplicem, quo haec docebit: quis qualisque sit novae sodalitatis auctor, et qua is causa ad eam instituendam ducatur; quibus verbis conceptum sit sodalitatis condendae nomen seu titulus; quae sit forma, color, materia, partes habitus a novitiis et professis gestandi; quot et quaenam sibi opera sodalitas assumptura sit;

quibus opibus tuitio eiusdem contineatur; an similia in dioecesi sint instituta, et quibus illa operibus insistant.

III. Accepta Sacri Consilii venia, nihil iam obstabit, quominus Ordinarius novam sodalitatem instituat aut institui permittat, eo tamen titulo, habitu, proposito ceterisque rebus ab ipso Sacro Consilio recognitis, probatis designatisve: quae numquam deinceps, nisi eodem consentiente, immutari licebit.

IV. Conditae sodalitatis constitutiones Ordinarius recognoscat: verum ne prius approbet, quam eas ad normam eorum, quae Sacrum Consilium in hac causa decrevit, exigendas curaverit.

V. Instituta sodalitas, quamvis decursu temporis in plures dioeceses diffusa, usque tamen, dum pontificiae approbationis aut laudis testimonio caruerit, Ordinariorum iurisdictioni subiaceat, ut Decessoris Nostri constitutione *Conditae* sancitum est.

Quae vero per has litteras decreta sunt, ea Nos rata et firma esse volumus, contrariis quibusvis minime obstantibus.

Datum Romae apud S. Petrum die XVI Iulii anno MCMVI, Pontificatus Nostri tertio.

PIUS PP. X

S. CONGREGATIO EPISCOPORUM ET REGULARIUM

I.—DECRETUM

quo Instructio seu Elenchus quaestionum infra N. 2 relata ad moderatores et moderatrices generales Institutorum votorum simplicium transmittitur

In approbandis seu commendandis novis Institutis votorum simplicium iampridem praescribi consuevit ut a moderatoribus seu moderatricibus generalibus tertio quoque anno ad S. Sedem Apostolicam transmittatur relatio de statu personali, disciplinari, materiali et oeconomico propriae cuiusque congregationis. Huiusmodi enim relatione singula Instituta, quorum domus in variis extant dioecesibus dissitisque locis, explorata perspectaque fiunt eidem S. Sedi; quae idcirco continua providentia ea prosequi, et, si quando a legibus deflectere videantur, sive cohortationibus sive correctionibus mandatisque ad pristinam observantiam revocare potest.

Cum vero perspicuum sit parum vel nihil utilitatis inesse praedictae relationi si, uti non raro factum est, fusius expositis quibusdam ad rem minus facientibus, vix innuantur aut plane reticeantur ea, quae potissimum cognoscere oportet; hinc ad optatum finem facilius ac tutius assequendum peropportunum visum est, ut etiam modus et ratio conficiendi relationem omnibus et singulis, ad quos spectat, communi lege praescribatur.

Itaque haec S. Congregatio negociis et consultationibus Episcoporum et Regularium praeposita redigendum curavit elenchum quaestionum, quibus distincte indicantur ea omnia, quae in relatione utiliter seu necessario sunt exponenda, eumque, post maturum examen, in plenario Emorum Patrum coetu approbatum, cum omnibus et singulis moderatoribus et moderatricibus generalibus Institutorum, per modum *instructionis,* cui sese conformare oporteat, communicandum esse censuit.

His autem relatis SSmo Dño Nostro Pio Divina Providentia PP. X in audientia habita ab infrascripto Cardinali eiusdem S. Congregationis Praefecto die 17 Iuni 1906, *Sanctitas Sua* rem ultro probavit, iussitque per hanc ipsam S. Congregationem omnibus et singulis moderatoribus et moderatricibus Institutorum vota simplicia profitentium Apostolica Auctoritate mandari, prout praesentis decreti tenore mandatur, ut in triennali relatione proprii cuiusque Instituti ad singulas quaestiones in elencho hisce litteris adiuncto conscriptas et ab *Eadem Sanctitate Sua* approbatas confirmatasque, memores rationis quam Deo, cordium scrutatori, reddituri erunt, fideliter atque examussim respondeant: contrariis quibuscumque etiam speciali et individua mentione dignis non obstantibus.

Datum Romae ex Secretaria praefatae S. Congregationis die 16 Iulii 1906.

D. Card. FERRATA, *Praefectus.*

Ph. Giustini, *Secretarius.*

II.—INSTRUCTIO

seu Elenchus quaestionum ad quas respondendum est a moderatoribus seu moderatricibus generalibus Institutorum vota simplicia profitentium in Relatione ad S Sedem tertio quoque anno transmittenda

Praemittenda

1. Doceatur quae decreta approbationis seu commendationis et quando a S. Sede obtinuerit.
2. Quinam sit finis sive scopus peculiaris Instituti.
3. Num titulus Instituti ab initio assumptus aut scopus vel habitus sodalium aliquatenus postmodum immutati fuerint et quanam auctoritate.
4. * Quot sodales ab initio usque in praesens, aut saltem ultimo vicennio, habitum Instituti induerint.
5. * Quot sodales a fundatione Instituti usque in praesens, aut saltem ultimo vicennio, et quomodo ab eo recesserint, sive tempore novitiatus, sive post emissa vota temporanea, sive post emissa vota perpetua. Num et quot fuerint *fugitivi.*
6. Quandonam ultima relatio ad S. Sedam missa fuerit.

I. De Personis

a) De admissis.

7. Quot novi sodales ab ultima relatione admissi fuerint.

* Ad interrogationes aut interrogationum partes asterisco notatas non nisi in prima, post promulgatam, hanc instructionem, relatione respondendum erit.

8. Num omnes praescripta testimonia exhibuerint.
9. Num speciali aliquo modo seu industria ad nomen Instituto dandum quis allectus fuerit; et praesertim num ephemeridum ope moderatores hunc in finem usi sunt.
10. (*In Institutis religiosorum.*) Num litterae testimoniales per Decretum *Romani Pontifices* praescriptae in singulis casibus expetitae fuerint.
11. Quoties et super quibus impedimentis seu defectibus dispensatio necessaria fuerit et a quonam superiore ecclesiastico concessa.
12. In quanam domo et quanto tempore Postulantes seu candidati commorati fuerint.

b) *De Novitiis.*

13. Quot sint domus Novitiatus et num unaquaeque auctoritate S. Sedis instituta sit.
14. Quot novitii post ultimam relationem habitum Instituti susceperint.
15. Quot nunc in Novitiatu degant.
16. Num Novitii a Professis rite separati existant.
17. Num omnes habeant integrum exemplar Constitutionum.
18. Num omnes ante professionem per annum integrum et continuum in domo Novitiatus sub cura magistri degerint.
19. Num quantum, et qua auctoritate, tempus Novitiatus ultra terminum in constitutionibus praefinitum prorogatum vel imminutum fuerit.
20. Utrum Novitii primo novitiatus anno vacaverint tan-

tummodo exercitiis pietatis, an aliis etiam et quibus operibus addicti fuerint.

21. Num durante secundo anno Novitiatus (ubi peragitur) novitii in alias domus missi fuerint.

22. (*In Institutis Sororum*). Num ante admissionem ad habitum et ad primam professionem Episcopus vel eius delegatus examen praescriptum instituerit.

c) *De Professis.*

23. Quot nunc sint in Instituto sodales *a*) votorum temporaneorum, *b*) votorum perpetuorum.

24. Num vota temporanea semper tempore debito fuerint renovata.

25. Num sodales tempore debito ad vota perpetua admissi fuerint post elapsum tempus votorum temporaneorum.

26. Quot sodales sive professi sive novitii post ultimam relationem obierint.

d) *De egressis et dimissis.*

27. Quot post ultimam relationem ab Instituto recesserint *a*) ex novitiis, *b*) ex professis temporaneis, *c*) ex professis perpetuis.

28. Num in dimittendis sodalibus semper observatae fuerint normae in Constitutionibus praescriptae.

29. Num semper et a quo superiore ecclesiastico, in casibus dimissionis, obtenta fuerit dispensatio super votis emissis.

30. (*In Institutis Sororum*). Num in casibus dimissionis professarum in perpetuum accesserit confirmatio apostolica.

31. (*In Institutis virorum*). Num in dimittendis sodalibus semper et in omnibus observatum fuerit Decretum *Auctis admodum;* et nominatim num in casu professi perpetui, vel professi votorum temporaneorum quidem, sed constituti in Ordine sacro, Moderatores Instituti:

a) praemiserint trinam monitionem,

b) admiserint, concesso congruo tempore, legitimam rei defensionem, eiusque rationem debitam habuerint:

c) an, quoties et qua facultate processerint summario modo.

32. (*In Institutis Sororum*). Num egressis quacumque de causa dos, quomodolibet constituta, integre tradita fuerit, una cum supellectili quam ad Institutum attulerant, in eo statu in quo tempore egressus reperiebatur.

33. Num iis quae propriis bonis destitutae erant, in casu egressus ex Instituto, necessaria suppeditata fuerint, quibus tuto et dicenter in propriam familiam reverti potuerint.

II. De rebus

a) *De domibus.*

34. Quot domos Institutum habeat, et in quibusnam dioecesibus; an et quot habeat provincias.

35. An et quot novae domus post ultimam relationem apertae fuerint: et an in omnibus intercesserit legitima auctoritas et servata fuerit ratio in constitutionibus praescripta.

36. Quot sodales diversarum classium in singulis domibus commorentur, et (si diversa opera ab Instituto exerceantur) quibusnam operibus addicti sint.
37. Num post ultimam relationem domus aliqua suppressa fuerit et cuiusnam auctoritate.
38. Utrum singuli sodales proprias cellas habeant, an saltem in communi dormitorio suum quisque cubile convenienter ab omnibus aliis separatum.
39. Num infirmis curandis separatus locus undequaque aptus addictus sit.
40. Num pro recipiendis hospitibus adsint in domo cubicula sufficienter, ut decet, a communitate religiosa separata.
41. (*In Institutis Sororum*). Num habitatio Capellani sive confessarii ingressum separatum, et nullam cum Sororum habitatione communicationem habeat.

b) *De bonis.*

42. Quinam fuerint ab ultima relatione annui reditus et expensae *a*) tum Instituti in communi, *b*) tum uniuscuiusque domus.
43. Num ab ultima relatione sive Institutum in communi, sive certae domus in particulari nova bona mobilia vel immobilia et cuius valoris obtinuerint.
44. Num pecuniam semper utili foenore et honesto ac tuto collocaverint.
45. Utrum et quam iacturam bonorum suorum, post ultimam relationem, fecerint, vel damna subierint, et qua de causa.

46. Num et quae bona sive immobilia sive mobilia pretiosa abalienaverint, et qua facultate.
47. Num illorum bonorum, quae *capitalia* vocantur, partem aliquam consumpserit.
48. Num arca communis vel domus aliqua particularis aere alieno gravetur, et quanto.
49. Num ab ultima relatione nova debita contraxerint; quaenam et qua auctoritate.
50. Num unaquaeque domus procuratorem sive oeconomum, distinctum a Superiore domus et ab oeconomo generali, habeat.
51. Num Procuratores, sive generalis sive locales, rationem suarum administrationum praescriptis temporibus reddiderint; et an huiusmodi rationes modo praescripto examinatae et approbatae fuerint.
52. Num lites de bonis habeant.
53. Num in omnibus domibus adsit arca tribus clavibus clausa; et an serventur leges ad rem latae.
54. Num et quo pacto pecuniam sive res pretiosas, a saecularibus depositas, custodiendas acceptaverint.
55. (*In Institutis Sororum*). Utrum dotes Sororum iuxta leges canonicas in tuto ac fructifero investimento collocatae fuerint; an et quae earum pars, quo modo et cuius permissu in expensas faciendas insumpta fuerit.
56. Num et quaenam legata pia seu fundationes in Instituto, sive pro missis celebrandis, sive pro operibus caritatis exercendis, existant.
57. Num huiusmodi onera fideliter adimpleta fuerint.

58. Num pecunia, qua huiusmodi fundationes factae fuerunt, rite collocata et seorsim ab aliis quibuslibet administrata fuerit.
59. Num Episcopo iuxta Constitutionem Conditae de huiusmodi fundationibus ratio reddita fuerit.
60. Quantum superfluae pecuniae in fine cuiuslibet anni a singulis domibus in arcam communem collatum fuerit.
61. Utrum sponte an invite huiusmodi pecuniae collatio ab omnibus facta fuerit.
62. An superiorissa vel oeconoma habeat pecunias, de quibus libere, etsi pro bono Instituti, disponat, quin ullam rationem reddat.

III. De disciplina

a) *De vita religiosa.*

63. Num in unaquaque domo exercitia spiritualia pro singulis diebus, mensibus, annis vel aliis temporibus statuta accurate peragantur.
64. Num omnes sodales quotidie missae sacrificio assistant.
65. Utrum omnes sodales exercitis communibus interesse possint, et an illis qui quandoque pro negotiis domesticis ab aliquo exercitio communi eximuntur, saltem concedatur tempus privatim illud peragendi.
66. Num observetur decretum *Quemadmodum* *a*) quantum ad conscientiae manifestationem non exigendam, *b*) quoad sacramentalem confessionem: num pariter servetur decretum *Sacra Tridentina* circa communionem eucha-

risticam; et an utrumque decretum statis temporibus lingua vernacula in communi legatur.

67. Num in Institutis Sororum ubique quovis triennio confessarius ordinarius mutetur, vel debita auctoritate confirmetur.

68. Num praescriptiones de clausura servanda in parte domus Religiosis reservata fideliter observentur.

69. Num Religiosis frequenter permittatur locutorium adire et an Constitutiones in hac re serventur.

70. Num Religiosis e domo egredientibus semper a Superioribus socius addatur.

71. Num, qua ratione et quibus temporibus habeantur institutiones catechisticae et piae exhortationes ad conversos aliosque alumnos nec non ad famulos seu convictores.

72. Num scripta circa pietatem, religionem, etc. etiam ad usum Instituti tantum, typis edantur absque Episcopi licentia.

73. Num et quibus libris, sive antiquis sive recentioribus, etiam manu scriptis, sola moderatorum Instituti licentia editis sodales utantur.

b) De observantia quarumdam specialium legum.

74. Num omnia circa Capitulum Generale praescripta diligenter observata fuerint; *a*) quoad litteras convocatorias; *b*) quoad electionem delegatorum; *c*) quoad electionem scrutatorum et secretarii; *d*) quoad electionem Moderatoris generalis; *e*) quoad electionem Consiliariorum, Oeconomi et Secretarii generalium.

75. Num omnino liberum fuerit sodalibus litteras, quae ab

inspectione Superiorum exemptae sunt, sive scribere sive recipere.

76. Num lex de mutandis Superioribus post statutum tempus fideliter observetur. Num, quot dispensationes et a quo super hac lege impertratae fuerint.

77. Num Moderator Generalis et Superiores Provinciales praescriptam domorum visitationem rite peregerint.

78. Num Moderator Generalis et Superiores sive Provinciales sive locales praefinitis temporibus consiliarios suos convocent, ut cum eis agant de negotiis sive Instituti sive Provinciae sive domus.

79. Num in deliberationibus debita libertas consiliariis servata fuerit.

80. Num in Consilio Generali electiones libere et iuxta normas praescriptas factae fuerint.

81. Utrum omnibus sodalibus necessaria, praecipue quoad victum et vestitum, a Superioribus ea qua decet caritate paterna suppeditentur, et an forte sint qui haec sibi ab extranei procurent.

82. An alicubi sodales sint numero insufficientes ita ut nimis graventur laboribus cum gravi valetudinis discrimine.

83. Num provideatur ne quid desit infirmis ex iis, quibus iuxta propriam cuiusque conditionem indigent, atque ut in corporalibus et spiritualibus necessitatibus qua par est caritate subleventur.

84. (*In Institutis Clericorum*). Quot annis clerici vacent studiis, *a*) litterarum humaniorum, *b*) philosophiae, et *c*) theologiae. Quatenus autem studia domi peragantur,

quot professores singulis disciplinis tradendis sint addicti.

85. Num omnes studentes:

a) integrum cursum studiorum perfecerint antequam e domo studiis destinata exierint;

b) ante promotionem ad sacros Ordines studia per pontificium decretum *Auctis admodum* respective praescripta rite perfecerint;

c) caetera omnia a sacris canonibus pro admissione ad Ordines requisita (circa titulum Ordinationis, litteras dimissorias etc.) religiose observaverint.

86. Num Pontificia decreta statis temporibus publice legenda, reipsa lecta fuerint.

c) *De operibus Instituti.*

87. Quot personis (vel classibus personarum) beneficia contulerint sodales iis operibus quibus iuxta scopum sui Instituti sese devovent.

88. Si numerus istarum personarum post ultimam relationem alicubi immunutus fuerit, indicentur rationes.

89. (*Pro Institutis quae stipem ostiatim colligunt*).

a) An ex constitutionibus clare et certo constet de iure seu officio stipem ostiatim colligendi;

b) Num decretum *Singulari* d. d. 27 Mart. 1896 ipsis Constitutionibus insertum sit;

c) num illud decretum in omnibus religiose observetur.

90. Num ab Institutis Sororum habeantur in suis domibus diversoria aut valetudinaria pro personis quibuscumque,

etiam diversi sexus; et quatenus affirmative, cuius licentia et quibus cautelis.

91. Num et quomodo Sorores in seminariis vel collegiis vel quibuscumque ecclesiasticorum virorum domibus rem domesticam gerendam assumpserint.

92. Num Sorores opera quaedam caritatis exerceant (v. g. erga infantes aut parturientes aut chirurgi cultro incisos) quae virgines Deo dicatas et habitu religioso indutas dedecere videntur.

93. Num Sorores, quae infirmis in privatorum domiciliis inserviunt, praescriptas a Constitutionibus cautelas semper adhibeant.

94. Num Superiores permiserint commorationem sodalium in domibus saecularium, et quanto tempore.

95. (*Pro Institutis Religiosorum*). Num aliquod Institutum Sororum quasi ab ipsis dependens, sibique aggregatum, directe, vel indirecte retineant vel dirigaut et quanam auctoritate.

96. Num post ultimam relationem aliquod novum opus, vel potius nova species operum aliis iam existentibus adiuncta fuerit, et quanam auctoritate.

97. Num in Instituto vel in aliquibus domibus irrepserint abusus et qui?

98. Num querelae vel difficultates existant *a*) cum Ordinariis locorum, *b*) cum confessariis, *c*) cum capellanis.

Responsa autem ad suprascriptas quaestiones non solum a moderatore seu moderatrice generali, sed etiam a

singulis consiliariis seu assistentibus generalibus, praevio maturo examine, signanda erunt.

Quod si quis ex iisdem consiliariis seu assistentibus aliquid magni momenti praeterea S. Sedi significandum esse putaverit, id etiam per privatas atque secretas litteras praestare poterit. Verumtamen memor ipse sit conditioni suae et sciat conscientiam suam graviter oneratum iri, si quid a veritate alienum secretis eiusmodi litteris exponere audeat.

D. Card. FERRATA, *Praefectus.*
Ph. Giustini, *Secretarius.*

LEO EPISCOPVS

SERVVS SERVORVM DEI AD PERPETVAM REI MEMORIAM

Conditae a Christo Ecclesiae ea vis divinitus inest ac fecunditas, ut multas anteactis temporibus, plurimas aetate hac elabente utriusque sexus tamquam familias ediderit, quae sacro votorum simplicium suscepto vinculo sese variis religionis et misericordiae operibus sancte devovere contendunt. Quae quidem pleraeque, urgente caritate Christi, singularis civitatis vel dioecesis praetergressae angustias, adeptaeque, unius eiusdemque vi legis communisque regiminis, perfectae quamdam consociationis speciem, latius in dies proferuntur. —Duplex porro earumdem est ratio: aliae, quae Episcoporum solummodo approbationem nactae, ob eam rem dioecesanae appellantur; aliae vero de quibus praeterea Romani

Pontificis sententia intercessit, seu quod ipsarum leges ac statuta recognoverit, seu quod insuper commendationem ipsis approbationemve impertiverit.

Iam in binas huiusmodi religiosarum Familiarum classes quaenam Episcoporum iura esse oporteat, quaeque vicissim illarum in Episcopos officia, sunt qui opinentur incertum controversumque manere. — Profecto ad dioecesanas consociationes quod attinet, res non ita se dat laboriosam ad expediendum; eae quippe una inductae sunt atque vigent Antistitum sacrorum auctoritate. At gravior sane quaestio de ceteris oritur, quae Apostolicae Sedis comprobatione sunt auctae. Quia nimirum in dioeceses plures propagantur, eodemque ubique iure unoque utuntur regimine; ideo Episcoporum in illas auctoritatem opus est temporationem quamdam admittere certosque limites. Qui limites quatenus pertinere debeant, colligere licet ex ipsa decernendi ratione Sedi Apostolicae consueta in eiusmodi consociationibus approbandis, scilicet certam aliquam congregationem approbari ut piam Societatem votorum simplicium, sub regimine Moderatoris generalis, salva Ordinariorum iurisdictione ad formam sacrorum Canonum et Apostolicarum constitutionum. — Iamvero perspicuum inde fit, tales Consociationes neque in dioecesanis censeri, neque Episcopis subesse posse nisi intra fines dioecesis cuiusque, incolumi tamen supremi earumdem Moderatoris administratione ac regimine. Qua igitur ratione summis societatum harum Praesidibus in Episcoporum iura et potestatem nefas est invadere; eadem Episcopi prohibentur, ne quid sibi de Praesidum ipsorum auctoritate ar-

rogent. Secus enim si fieret, tot moderatores istis Congregationibus accederent, quot episcopi, quorum in dioecesibus alumni earum versentur; actumque esset de administrationis unitate ac regiminis. — Concordem atque unanimem Praesidum Congregationum atque Episcoporum auctoritatem esse oportet; at ideo necesse est alteros alterorum iura pernoscere atque integra custodire.

Id autem ut, omni submota controversia, plene in posterum fiat, et ut Antistitum sacrorum potestas, quam Nos, uti par est, inviolatam usquequaque volumus, nihil uspiam detrimenti capiat; ex consulto sacri Consilii Episcopis ac Religiosorum ordinibus praepositi, duo praescriptionum capita edicere visum est, alterum de Sodalitatibus quae Sedis Apostolicae commendationem vel approbationem nondum sunt assecutae, alterum de ceteris, quarum Sedes Apostolica vel leges rocognovit vel institutum commendavit aut approbavit.

Caput primum haec habet servanda:

I. Episcopi est quamlibet recens natam sodalitatem non prius in dioecesim recipere, quam leges eius constitutionesque cognorit itemque probarit; si videlicet neque fidei honestative morum, neque sacris canonibus et Pontificum decretis adversentur, et si apte statuto fini conveniant.

II. Domus nulla novarum sodalitatum iusto iure fundabitur, nisi annuente probante Episcopo. Episcopus vero fundandi veniam ne impertiat, nisi inquisitione diligenter acta quales sint qui id poscant: an recte probeque sentiant, an prudentia praediti, an studio divinae gloriae, suaeque et alienae salutis praecipue ducti.

III. Episcopi, quoad fieri possit, potius quam novam in aliquo genere sodalitatem condant vel approbent, utilius unam quamdam adsciscent de iam approbatis, quae actionis institutum profiteatur adsimile. — Nullae fere, ni forte in Missionum regionibus, probentur sodalitates, quae, certo proprioque fine non praestuto, quaevis universe pietatis ac beneficentiae opera, etiamsi penitus inter se disiuncta, exercenda amplectantur.

Episcopi sodalitatem condi ullam ne sinerint, quae redditibus careat ad sodalium victum necessariis. — Sodalitia, quae stipe collaticia vivant; item muliebres familias, quae aegrotis, domi ipsorum, interdiu noctuque adsint, cautisisme, quin etiam difficulter comprobent. — Si quae autem nova feminarum sodalitas eo spectet, ut suis in aedibus valetudinaria aperiat viris promiscue mulieribusve excipiendis; vel similes domos excipiendis sacerdotibus, qui Sororum cura atque opera aegrotantes leventur; eiusmodi proposita Episcopi ne probent, nisi maturo adhibito severoque consilio.— Praeterea Episcopi religiosarum domus, ubi viris feminisve peregre advenientibus hospitium victusve accepto pretio suppeditetur, nequaquam permittant.

IV. Sodalitas quaevis dioecesana ad dioeceses alias ne transgrediatur, nisi consentiente utroque Episcopo, tum loci unde excedat, tum loci quo velit commigrare.

V. Sodalitatem dioecesanam si ad dioeceses alias propagari accidat, nihil de ipsius natura et legibus mutari liceat, nisi singulorum Episcoporum consensu, quorum in dioecesibus aedes habeat.

VI. Semel approbatae sodalitates ne extinguantur, nisi gravibus de causis, et consentientibus Episcopis, quorum in ditione fuerint. Singulares tamen domos Episcopis, in sua cuique dioecesi, tollere fas est.

VII. De puellis habitum religiosum petentibus, item de iis quae, probatione expleta, emissurae sint vota, Episcopus singulatim certior fiat; eiusdem erit illas et de more explorare et, si nihil obstet, admittere.

VIII. Episcopo alumnas sodalitatum dioecesanarum professas dimittendi potestas est, votis perpetuis aeque ac temporariis remissis, uno dempto (ex auctoritate saltem propria) colendae perpetuo castitatis. Cavendum tamen ne istiusmodi remissione ius alienum laedatur; laedatur autem, si insciis moderatoribus id fiat iusteque dissentientibus.

IX. Antistitae, ex constitutionum iure, a Sororibus elegantur. Episcopus tamen, vel ipse vel delegato munere, suffragiis ferendis praeerit: peractam electionem confirmare vel rescindere integrum ipsi est pro conscientiae officio.

X. Dioecesanae cuiusvis sodalitatis domos Episcopus invisendi ius habet, itemque de virtutum studio, de disciplina, de oeconomicis rationibus cognoscendi.

XI. Sacerdotes a sacris, a confessionibus, a concionibus designare, item de sacramentorum dispensatione statuere munus Episcoporum est, pro sodalitatibus dioecesanis pariter ac pro ceteris; in quod in capite consequenti (num. VIII) explicate praefinitur.

Alterum praescriptionum caput, de Sodalitatibus, quarum

Apostolica Sedes vel leges recognovit vel institutum commendavit aut approbavit, haec habet servanda:

I. Candidatos cooptare, eosdem ad sacrum habitum vel ad profitenda vota admittere, partes sunt Praesidum sodalitatum; integra tamen Episcopi facultate a Synodo Tridentina* tributa, ut quum de feminis agitur, eas et ante suscipiendum habitum et ante professionem emittendam ex officio exploret. Praesidum similiter est familias singulas ordinare, tirones ac professos dimittere, iis tamen servatis quaecumque ex instituti legibus pontificiisque decretis servari oportet. — Demandandi munera et procurationes, tum quae ad universam sodalitatem pertinent, tum quae in domibus singulis exercentur, Conventus seu Capitula, et Consilia propria ius habent. In muliebrium autem sodalitatum Conventibus ad munerum assignationem, Episcopus, cuius in dioecesi habentur, per se vel per alium praeerit, ut Sedis Apostolicae delegatus.

II. Condonare vota, sive ea temporaria sint sive perpetua, unius est Romani Pontificis. Immutandi constitutiones, utpote quae probatae a Sede Apostolica nemini Episcoporum ius datur. Item regimen, quod penes moderatores est sive sodalitatis universae sive familiarum singularum ad constitutionum normam, Episcopis mutare temperare ne liceat.

III. Episcoporum sunt iura, in dioecesi cuiusque sua, permittere vel prohibere novas domos sodalitatum condi, item nova ab illis templa excitari, oratoria seu publica seu semi-

* Sess. XXV. cap. 17 de Regul. et Monial.

publica aperiri, sacrum fieri in domesticis sacellis, Sacramentum augustum proponi palam venerationi fidelium. Episcoporum similiter est sollemnia et supplicationes, quae publica sint, ordinare.

IV. Domus sodalitatum huiusmodi si clausura episcopali utantur, Episcopis iura manent integra, quae de hac re a pontificiis legibus tribuuntur. Si quae autem clausura, ut inquiunt, partiali utantur, Episcopi erit curare, ut rite servetur, et quidquid in eam irrepat vitii cohibere.

V. Alumni alumnaeve sodalitatum harum, ad forum internum quod attinet, Episcopi potestati subsunt. In foro autem externo, eidem subsunt quod spectat ad censuras, reservationem causum, votorum relaxationem quae non sint uni summo Pontifici reservata, publicarum precum indictionem, dispensationes concessionesque, ceteras, quas Antistites sacrorum fidelibus suis impertire queant.

VI. Si qui vero ad sacros ordines promoveri postulent, eos Episcopus, etsi in dioecesi degentes, initiare caveat, nisi hisce conditionibus: ut a moderatoribus quisque suis proponatur; ut quae a iure sacro sancita sunt de litteris dimissorialibus vel testimonialibus sint rite impleta; ut titulo sacrae ordinationis ne careant, vel certe eo legitime eximantur; ut theologiae studiis operam dederint, secundum decretum Auctis admodum die datum 4. novembris anno 1892.

VII. In sodalitates, quae mendicato vivunt, ea Episcopis stent iura, quae habet decretum Singulare quidem a sacro Consilio Episcopis et Religiosorum ordinibus praeposito promulgatum die 27. martii anno 1896.

VIII. In iis quae ad spiritualia pertinent subduntur sodalitates Episcopis dioecesium in quibus versantur. Horum igitur erit sacerdotes ipsos et a sacris designare et a concionibus probare. Quod si sodalitates muliebres sint, designabit item Episcopus sacerdotes a confessionibus tum ordinarios tum extra ordinem, ad normam Constitutionis Pastoralis curae a Benedicto XIV. decessore Nostro editae, ac decreti Quemadmodum dati a sacro Consilio Episcopis et Religiosorum ordinibus praeposito, die 17. decembris anno 1890; quod quidem decretum ad virorum etiam consociationes pertinet, qui sacris minime initiantur.

IX. Bonorum, quibus Sodalitia singula potiuntur, administratio penes Moderatorem supremum maximamve Antistitam eorumque Consilia esse debet: singularum vero familiarum redditus a praesidibus singulis administrari oportet, pro instituti cuiusque legibus. De iis nullam Episcopus rationem potest exigere. Qui vero fundi certae domui tributi legative sint ad Dei cultum beneficentiamve eo ipso loco impendendam; horum administrationem moderator quidem domus gerat, referat tamen ad Episcopum, eique se omnino praebeat obnoxium: ita nimirum ut neque Praeposito neque Antistitae sodalitii universi liceat quidquam ex iis bonis Episcopo occultare, distrahere, vel in alienos usus convertere. Talium igitur bonorum Episcopus rationes accepti impensique, quoties videbitur, expendet; idem ne sortes minuantur, redditus ne perperam erogentur, curabit.

X. Sicubi sodalitatum aedibus instituta curanda adiecta

sint, uti gynaecea, orphanotrophia, valetudinaria, scholae, asyla pueris erudiendis, Episcopali vigilantiae ea omnia subsint quod spectat ad religionis magisteria, honestatem morum, exercitationes pietatis, sacrorum administrationem, integris tamen privilegiis, quae collegiis, scholis, institutisve eiusmodi a Sede Apostolica sint tributa.

XI. In quarumlibet sodalitatum domibus vota simplicia profitentium, Episcopis cuiusque dioecesis ius est invisendi templa, sacraria, oratoria publica, sedes ad sacramentum poenitentiae, de iisque opportune statuendi iubendi. — In presbyterorum sodalitiis, de conscientia ac disciplina, item de re oeconomica uni praesides cognoscent. In consociationibus vero feminarum, aeque ac virorum qui sacerdotio abstinent, Episcopi erit inquirere num disciplina ad legum normam vigeat, num quid sana doctrina morumve probitas detrimenti ceperit, num contra clausuram peccatum, num sacramenta aequa stataque frequentia suscipiantur.—Reprehensione dignum si quid Episcopus forte offenderit, ne decernat illico: moderatores uti prospiciant moneat; qui si neglexerint, ipse per se consulat. Si quae tamen maioris momenti occurrant, quae moram non expectent, decernat statim: decretum vero ad sacrum Consilium deferat Episcopis ac Religiosorum ordinibus praepositum.

Episcopus, in visitatione potissimum, iuribus, quae supra diximus, utatur suis quod spectat ad scholas, asyla ceteraque memorata instituta. — Ad rem vero oeconomicam quod attinet muliebrium sodalitatum itemque virorum sacerdotio carentium, Episcopus ne cognoscat nisi de fundorum legatorumve administratione, quae sacris sint attributa, vel loci aut dioecesis incolis iuvandis.

His porro, quae hactenus ediximus sancivimus, nihil penitus derogari volumus de facultatibus vel privilegiis, tum Nostro aut quovis alio Sedis Apostolicae decreto concessis, tum immemorabili aut saeculari consuetudine confirmatis, tum etiam quae in alicuius Sodalitatis legibus a Romano Pontifice approbatis contineantur.

Praesentes vero litteras et quaecumque in ipsis habentur nullo unquam tempore de subreptionis sive intentionis Nostrae vitio aliove quovis defectu notari vel impugnari posse, sed semper validas et in suo robore fore et esse, atque ab omnibus cuiusvis gradus et praeeminentiae inviolabiliter in iudicio et extra observari debere decernimus: irritum quoque et inane declarantes si secus super his a quoquam, quavis auctoritate vel praetextu, scienter vel ignoranter contigerit attentari; contrariis non obstantibus quibuscumque.

Volumus autem ut harum litterarum exemplis, etiam impressis, manu tamen Notarii subscriptis et per constitutum in ecclesiastica dignitate virum sigillo munitis, eadem habeatur fides, quae Nostrae voluntatis significationi his praesentibus ostensis haberetur.

Datum Romae apud Sanctum Petrum anno Incarnationis Dominicae millesimo noningentesimo, sexto idus decembris, Pontificatus Nostri vicesimo tertio.

C. Card. Aloisi-Masella Pro-Dat.

A. Card. Macchi

Visa

De Curia I. De Aquila e Vicecomitibus

Loco † Plumbi

Reg. in Secret. Brevium.

I. Cugnonius.

Literature: A. Battandier, *Guide canonique pour les constitutions des instituts à voeux simples suivant les récentes dispositions (Normae) de la S. Congr. des évêques et réguliers.* 3d. ed. Paris 1905. A. Vermeersch, S. I., *De religiosis institutis et personis tractatus canonico-moralis ad recentissimas leges exactus.* 2 vols. Brugis 1902. P. Bastien, O. S. B., *Directoire canonique, à l'usage des congrégations à voeux simples.* Maredsous, 1904. Bondinhon, *Les congrégations religieuses à voeux simples dans leurs rapports avec les évêques (Le Canoniste contemporain XXV,* 1902, 353 *sqq); P.* Bastien, *Commentaire de la constitution "Conditae,"* etc., 1902.

Appendix

SOME IMPORTANT ROMAN DECREES AND RESCRIPTS PROMULGATED SINCE THE PONTIFICATE OF PIUS X

As a supplement and in exemplification of matters discussed in this work the perusal of the following documents, which tend to illustrate the activity of our Holy Father in the direction of organization, will be of interest and profit.

I

MOTU PROPRIO OF PIUS X ON APOSTOLIC PROTONOTARIES, ROMAN PRELATES, AND OTHER DIGNITARIES POSSESSING SOME OF THE PRIVILEGES OF PRELATES. ROME, ST. PETER, FEBRUARY 21, 1905.*

Inter multiplices curas, quibus ob officium Nostrum Apostolicum premimur, illa etiam imponitur, ut venerabilium Fratrum Nostrorum, qui episcopali charactere praefulgent, pontificales praerogativas, uti par est, tueamur. Ipsi enim Apostolorum sunt Successores; de iis loquitur Cyprianus (ep. 69, n. 8) dicens, Episcopum in Ecclesia esse et Ecclesiam in Episcopo; nec ulla adunatur Ecclesia sine Episcopo suo, imo vero Spiritus ipse Sanctus posuit Episcopos regere Ecclesiam Dei (Act. XX, 28). Quapropter, Presbyteris su-

* See pp. 36 sqq.

periores esse Episcopos, iure definivit Tridentinum Concilium (Sess. XXIII, c. 7). Et licet Nos, non tantum honoris sed etiam iurisdictionis principatum supra ceteros Episcopos, ex Christi dispositione, tamquam Petri Successores, geramus, nihilominus Fratres Nostri sunt Episcopi, et sacra Ordinatione pares. Nostrum ergo est, illorum excelsae dignitati sedulo prospicere, eamque pro viribus coram christiano populo extollere.

Ex quo praesertim Pontificalium usus per Decessores Nostros Romanos Pontifices aliquibus Praelatis, episcopali charactere non insignitis, concessus est, id saepe accidit, ut, vel malo hominum ingenio, vel prava aut lata nimis interpretatione, ecclesiastica disciplina haud leve detrimentum ceperit, et episcopalis dignitas non parum iniuriae.

Quum vero de huiusmodi abusibus ad hanc Apostolicam Sedem Episcoporum querelae delatae sunt, non abnuerunt Praedecessores Nostri iustis eorum postulationibus satisfacere, sive Apost. Litteris, sive S. Rit. Congr. Decretis pluries ad rem editis. In id maxime intenderunt Benedictus XIV, per epist. S. R. Congr. d. d. XXXI Martii MDCCXLIV "SSmus Dominus Noster," iterumque idem Benedictus, d. XVII Februarii MDCCLII "In throno iustitiae"; Pius VII, d. XIII Decembris MDCCCXVIII "Cum innumeri," et rursus idem Pius, d. IV Iulii MDCCCXXIII "Decet Romanos Pontifices," et Pius IX d. XXIX Augusti MDCCCLXXII "Apostolicae Sedis Officium." E sacr. Rit. Congregatione memoranda in primis Decreta quae sequuntur: de Praelatis Episcopo inferioribus, datum die XXVII men-

sis Septembris MDCLIX et ab Alexandro VII confirmatum; dein Decreta diei XXII Aprilis MDCLXXXIV de Canonicis Panormitanis; diei XXIX Ianuarii MDCCLII de Canonicis Urbinatibus, diei XXVII Aprilis MDCCXVIII de Protonotariis Titularibus, a Pio PP. VII approbatum; ac diei XXVII Augusti MDCCCXXII de Canonicis Barensibus.

Hisce tamen vel neglectis, vel ambitioso conatu, facili aufugio, amplificatis, hac nostra aetate saepe videre est Praelatos, immoderato insignium et praerogativarum usu, praesertim circa Pontificalia, viliores reddere dignitatem et honorem eorum, qui sunt revera Pontifices.

Quamobrem, ne antiquiora posthabeantur sapienter a Praedecessoribus Nostris edita documenta, quin imo, ut iis novum robur et efficacia adiiciatur, atque insuper praesentis aevi indoli mos iuste geratur, sublatis omnibus consuetudinibus in contrarium, nec non amplioribus privilegiis, praerogativis, exemptionibus, indultis, concessionibus, a quibusvis personis, etiam speciali vel specialissima mentione dignis, nominatim, collective, quovis titulo et iure, acquisitis, assertis, aut praetensis, etiam Praedecessorum Nostrorum et Apostolicae Sedis Constitutionibus, Decretis, aut Rescriptis, confirmatis, ac de quibus, ad hoc, ut infirmentur, necesse sit peculiariter mentionem fieri, exquisito voto aliquot virorum in canonico iure et liturgica scientia peritorum, reque mature perpensa, motu proprio, certa scientia, ac de Apostolicae potestatis plenitudine, declaramus, constituimus, praecipimus, ut in posterum, Praelati Episcopis in-

feriores aliique, de quibus infra, qua tales, non alia insignia, privilegia, praerogativas audeant sibi vindicare, nisi quae hoc in Nostro documento, Motu Proprio dato, continentur, eademque ratione ac forma, qua hic subiiciuntur.

A. De Protonotariis Apostolicis

1. Quatuor horum habeantur ordines: I. Protonotarii Apostolici de Numero Participantium, septem qui Collegium privative constituunt; II. Protonotarii Apostolici Supranumerarii; III. Protonotarii Apostolici ad instar Participantium; IV. Protonotarii Apostolici Titulares, seu honorarii (extra Urbem).

I. Protonotarii Apostolici de numero Participantium

2. Privilegia, iura, praerogativas et exemptiones, quibus ex Summorum Pontificum indulgentia iamdudum gaudet Collegium Protonotariorum Apostolicorum de numero Participantium, in propriis Statutis nuperrime ab ipsomet Collegio iure reformatis inserta, libenter confirmamus, prout dèterminata inveniuntur in Apostolicis Documentis inibi citatis, ac praesertim in Constitutione "Quamvis peculiares" Pii PP. IX., diei IX mensis februarii MDCCCLIII, paucis exceptis, quae, uti infra, moderanda statuimus.

3. Protonotarii Apostolici de numero Participantium habitu praelatitio rite utuntur, et alio, quem vocant pianum atque insignibus prout infra numeris 16, 17, 18 describuntur.

4. Habitu quotidiano incedentes, caligas, collare et pileum ut ibidem n. 17 gestare poterunt, ac insuper Annulum gemmatum, quo semper iure utuntur, etiam in privatis Missis aliisque sacris functionibus.

5. Quod vero circa usum Pontificalium insignium, Xystus V in sua Constitutione "Laudabilis Sedis Apostolicae sollicitudo," diei VI mensis februarii MDLXXXVI, Protonotariis Participantibus concessit: "Mitra et quibuscumque aliis Pontificalibus insignibus, etiam in Cathedralibus ecclesiis, de illorum tamen Praesulum, si praesentes sint, si vero absentes, absque illorum consensu, etiam illis irrequisitis, extra curiam uti," in obsequium praestantissimae Episcoporum dignitatis, temperandum censuimus, ut pro Pontificalibus, extra Urbem tantum agendis, iuxta S. R. C. declarationem quoad Episcopos extraneos vel Titulares, diei IV mensis decembris MCMIII, ab Ordinario loci veniam semper exquirere teneantur, ac insuper consensum Praelati ecclesiae exemptae, si in ea sit celebrandum.

6. In Pontificalibus peragendis, semper eis inhibetur usus throni, pastoralis baculi et cappae; item septimi candelabri super altari, et plurium Diaconorum assistentia; Faldistorio tantum utentur, apud quod sacras vestes assumere valeant. Pro concessis enim in citata Xysti V Constitutione, "quibuscumque aliis pontificalibus insignibus," non esse sane intelligenda declaramus ea, quae ipsis Episcopis extra dioecesim sunt interdicta. Loco Dominus vobiscum nunquam dicent Pax vobis; trinam benedictionem impertientur numquam, nec versus illi praemittent Sit no-

men Domini et Adiutorium, sed in Missis tantum pontificalibus, Mitra cooperti, cantabunt formulam Benedicat vos, de more populo benedicentes: a qua benedictione abstinebunt, assistente Episcopo loci Ordinario, aut alio Praesule, qui ipso Episcopo sit maior, ad quem pertinet eam impertiri.

7. Ad ecclesiam accedentes, Pontificalia celebraturi, ab eaque recendentes, habitu praelatitio induti, supra Mantelletum Crucem gestare possunt pectoralem, a qua alias abstinebunt; et nisi privatim per aliam portam ingrediantur, ad fores ecclesiae non excipientur ut Ordinarius loci, sed a Caeremoniario ac duobus clericis, non tamen Canonicis seu Dignitatibus; seipsos tantum aqua lustrali signabunt, tacto aspersorio illis porrecto, et per ecclesiam procedentes populo numquam benedicent.

8. Crux pectoralis, a Protonotariis Participantibus in pontificalibus functionibus adhibenda, aurea erit, cum unica gemma, pendens a funiculo serico rubini coloris commixto cum auro, et simili flocculo retro ornato.

9. Mitra in ipsorum Pontificalibus erit ex tela aurea (numquam tamen pretiosa) quae cum simplici alternari possit, iuxta Caerem. Episcop. (I, XVII, nn. 2 et 3); nec alia Mitra nisi simplici diebus poenitentialibus et in exsequiis eis uti licebit. Pileolo nigri coloris sub Mitra dumtaxat uti poterunt.

10. Romae et extra, si ad Missam lectam cum aliqua solemnitate celebrandam accedant, habitu praelatitio induti, praeparationem et gratiarum actionem persolvere poterunt ante altare, in genuflexorio pulvinaribus tantum instructo,

vestes sacras ab altari assumere, aliquem clericum in Sacris assistentem habere, ac duos inferiores ministros. Fas erit praeterea Canonem et Palmatoriam, Urceum et Pelvim cum Manutergio in lance adhibere. In aliis Missis lectis, a simplici Sacerdote ne differant, nisi in usu Palmatoriae. In Missis autem cum cantu, sed non pontificalibus, uti poterunt etiam Canone et Urceo cum Pelvi et lance ad Manutergium.

11. Testimonium autem exhibere cupientes propensae voluntatis Nostrae in perinsignem hunc coetum, qui inter cetera praelatorum Collegia primus dicitur et est in Romana Curia, Protonotariis Participantibus, qui a locorum Ordinariis sunt exempti, et ipsis Abbatibus praecedunt, facultatem facimus declarandi omnibus qui Missae ipsorum intererunt, ubivis celebrandae, sive in oratoriis privatis, sive in altari portatili, per eiusdem Missae auditionem diei festi praecepto rite planeque satisfieri.

12. Protonotarius Apostolicus de numero Participantium, qui ante decimum annum ab adepto Protonotariatu Collegium deseruerit, aut qui a decimo saltem discesserit, et per quinque alios, iuxta Xysti V Constitutionem, iisdem privilegiis gavisus fuerit, inter Protonotarios ad instar eo ipso erit adscriptus.

II. Protonotarii Apostolici Supranumerarii

13. Ad hunc Protonotariorum ordinem nemo tamquam privatus aggregabitur, sed iis tantum aditus fiet, qui Canoni-

catu potiuntur in tribus Capitulis Urbis Patriarchalium, id est Lateranensis Ecclesiae, Vaticanae ac Liberianae; itemque iis qui Dignitate aut Canonicatu potiuntur in Capitulis aliarum quarumdam extra Urbem ecclesiarum, quibus privilegia Protonotariorum de numero Apostolica Sedes concesserit, ubique fruenda. Qui enim aut in propria tantum ecclesia vel dioecesi titulo Protonotarii aucti sunt, aut nonnullis tantum Protonotariorum privilegiis fuerunt honestati, neque Protonotariis aliisve Praelatis Urbanis accensebuntur, neque secus habebuntur ac illi de quibus hoc in Nostro documento nn. 80 et 81 erit sermo.

14. Canonici omnes, etiam Honorarii, tum Patriarchalium Urbis tum aliarum ecclesiarum de quibus supra, tamquam singuli, insignibus et iuribus Protonotariorum ne fruantur, nec gaudeant nomine et honore Praelatorum, nisi prius a Summo Pontifice inter Praelatos Domesticos per Breve adscripti sint, et alia servaverint quae infra num. 34 dicuntur. Protonotarius autem ad instar, qui Canonicis eiusmodi accenseatur, eo ipso privilegia Protonotarii Supranumerarii acquiret.

15. Protonotarii Apostolici Supranumerarii subiecti remanent proprio Ordinario, ad formam Concilii Tridentini (Sess. XXIV, c. 11), ac eorum beneficia extra Romanam Curiam vacantia Apostolicae Sedi minime reservantur.

16. Habitum praelatitium gestare valent coloris violacei, in sacris functionibus, idest caligas, collare, talarem vestem cum cauda, nunquam tamen explicanda, neque in ipsis Pontificalibus celebrandis: sericam zonam cum duobus flocculis

pariter sericis a laeva pendentibus, et Palliolum, seu Mantelletum supra Rocchetum: insuper nigrum biretum flocculo ornatum coloris rubini: pileum item nigrum cum vitta serica, opere reticulato exornata, eiusdem rubini coloris, cuius coloris et serici erunt etiam ocelli, globuli, exiguus torulus collum et anteriores extremitates vestis ac Mantelleti exornans, eorum subsutum, itemque reflexus (paramani) in manicis (etiam Roccheti).

17. Alio autem habitu uti poterunt, Praelatorum proprio, vulgo piano, in Congregationibus, conventibus, solemnibus audientiis, ecclesiasticis et civilibus, idest caligis et collari violacei coloris, veste talari nigra cum ocellis, globulis, torulo ac subsuto, ut supra, rubini coloris, serica zona violacea cum laciniis pariter sericis et violaceis, peramplo pallio talari item serico violaceo, non undulato, absque subsuto aut ornamentis quibusvis alterius coloris, ac pileo nigro cum chordulis et sericis flocculis rubini coloris. Communi habitu incedentes, caligas et collare violacei coloris ac pileum gestare poterunt, ut supra dicitur.

18. Propriis insignibus seu stemmatibus imponere poterunt pileum cum lemniscis ac flocculis duodecim, sex hinc, sex unde pendentibus, eiusdem rubini coloris, sine Cruce vel Mitra.

19. Habitum et insignia in choro Dignitates et Canonici Protonotarii gerent, prout Capitulo ab Apostolica Sede concessa sunt; poterunt nihilominus veste tantum uti violacea praelatitia cum zona sub choralibus insignibus, nisi tamen alia vestis tamquam insigne chorale sit adhibenda. Pro usu

Roccheti et Mantelleti in choro attendatur, utrum haec sint speciali indulto permissa; alias enim Protonotarius, praelatitio habitu assistens, neque locum inter Canonicos tenebit, neque distributiones lucrabitur, quae sodalibus accrescent.

20. Cappam laneam violaceam, pellibus ermellini hiberno tempore, aestivo autem rubini coloris serico ornatam, induent in Cappellis Pontificiis, in quibus locum habebunt post Protonotarios Participantes. Ii vero Canonici Protonotarii qui Praelati non sunt, seu nomine tantum Protonotariorum, non vero omnibus iuribus gaudent, ut nn. 13 et 14 dictum est, in Cappellis locum non habebunt, neque ultra limites pontificiae concessionis habitu praelatitio et piano, de quibus nn. 16 et 17, uti umquam poterunt.

21. Habitu praelatitio induti, Clericis quibusvis, Presbyteris, Canonicis, Dignitatibus, etiam collegialiter unitis, atque Praelatis Ordinum Regularium, quibus Pontificalium privilegium non competat, antecedunt, minime vero Vicariis Generalibus vel Capitularibus, Abbatibus, et Canonicis Cathedralium collegialiter sumptis. Ad Crucem et ad Episcopum non genuflectent, sed tantum sese inclinabunt: duplici ductu thurificabuntur: item si sacris vestibus induti functionibus in choro adsistant.

22. Gaudent indulto Oratorii privati domi rurique, ab Ordinario loci visitandi atque approbandi, in quo, etiam solemnioribus diebus (exceptis Paschatis, Pentecostes, Assumptionis B. M. V., SS. Apostolorum Petri et Pauli, nec non loci patroni principalis festis) celebrare ipsi Missam poterunt, vel alius Sacerdos, in propriam, consanguineorum, affin-

ium, familiarium et cohabitantium commoditatem, etiam ad praeceptum implendum. Privilegio autem altaris portatilis omnino carere se sciant.

23. Licet iisdem acta conficere de causis Beatificationis et Canonizationis Servorum Dei, quo tamen privilegio uti non poterunt, si eo loci alter sit e Collegio Protonotariorum Participantium.

24. Rite eliguntur in Conservatores Ordinum Regularium aliorumque piorum Institutorum, in Iudices Synodales, in Commissarios et Iudices Apostolicos etiam pro causis beneficialibus et ecclesiaticis. Item apud ipsos professionem Fidei recte emittunt, qui ex officio ad eam adiguntur. Ut autem iuribus et praerogativis, hic et num. 23 expressis, frui possint Canonici Protonotarii in S. Theologia aut in Iure Canonico doctorali laurea insigniti sint oportet.

25. Extra Urbem, et impetrata venia Ordinarii loci, cui erit arbitrium eam tribuendi quoties et pro quibus Solemnitatibus voluerit, atque obtento etiam consensu Praelati ecclesiae exemptae, in qua forte celebrandum sit, pontificali ritu Missas et Vesperas aliasque sacras functiones peragere poterunt. Quod functiones attinet collegialiter, seu Capitulo praesente, celebrandas, a propriis Constitutionibus, de Ordinarii consensu, provideatur, iuxta Apostolica Documenta.

26. Ad ecclesiam accedentes, Pontificalia celebraturi, ab eaque recedentes, habitu praelatitio induti, supra Mantelletum Crucem gestare possunt pectoralem (a qua alias abstinebunt) : et nisi privatim per aliam portam ingrediantur,

ad fores ecclesiae non excipientur ut Ordinarius loci, sed a Caeremoniario et duobus clericis, non tamen a Canonicis seu Dignitatibus: seipsos tantum aqua lustrali signabunt, tacto aspersorio sibi porrecto, et per ecclesiam procedentes populo numquam benedicent.

27. Pontificalia agent ad Faldistorium, sed vestes sacras in sacrario assument et deponent, quae in Missis erunt: a) Caligae et sandalia serica cum orae textu ex auro; b) Tunicella et Dalmatica; c) Crux pectoralis sine gemmis, e chordula serica rubini ex integro coloris pendens, auro non intertexta, simili flocculo retro ornata; d) Chirothecae sericae, sine ullo opere phrygio, sed tantum orae textu auro distinctae; e) Annulus cum unica gemma; f) Mitra ex serico albo, sine ullo opere phrygio, sed tantum cum orae textu ex auro, et cum laciniis similiter aureis, quae cum simplici ex lino alternari poterit, iuxta Caerem. Episcopor. (I, XVII, nn. 2 et 3); haec vero simplex, diebus poenitentialibus et in exsequiis una adhibebitur; g) Canon et Palmatoria, a qua abstinendum coram ordinario seu maiori; h) Urceus et Pelvis cum Mantili in lance; i) Gremiale.

28. In Vesperis solemnibus (post quas benedictionem non impertientur) aliisque sacris functionibus pontificaliter celebrandis, Mitra, Cruce pectorali, Annulo utentur, ut supra. Pileolus nigri dumtaxat coloris, nonnisi sub Mitra ab eis poterit adhiberi.

29. In pontificalibus functionibus eisdem semper interdicitur usus throni, pastoralis baculi et cappae; in Missis autem pontificalibus, septimo candelabro super altari non

utentur, nec plurium Diaconorum assistentia; Presbyterum assistentem pluviali indutum habere poteunt, non tamen coram Episcopo Ordinario aut alio Praesule, qui ipsa Episcopo sit maior; intra Missam manus lavabunt ad Ps. Lavabo tantum. Loco Dominus vobiscum, nunquam dicent Pax vobis; trinam benedictionem impertientur nunquam, nec versus illi praemittent Sit nomen Domini et Adiutorium, sed in Missis tantum pontificalibus, Mitra cooperti, cantabunt formulam Benedicat vos, de more populo benedicentes; a qua benedictione abstinebunt assistente Episcopo loci Ordinario aut alio Praesule, qui ipso Episcopo sit maior, cuius erit eam impertiri. Coram iisdem, in Pontificalibus celebrantes, Mitra simplici solummodo utantur, et dum illi sacra sumunt paramenta, aut solium petunt vel ab eo recedunt, stent sine Mitra.

30. De speciali commissione Ordinarii, Missam quoque pro defunctis pontificali ritu celebrare poterunt Protonotarii Supranumerarii, cum Absolutione in fine, Mitra linea utentes; numquam tamen eamdem Absolutionem impertiri illis fas erit, post Missam ab alio celebratam; quod ius uni reservatur Episcopo loci Ordinario.

31. Romae et extra, si ad Missam lectam cum aliqua solemnitate celebrandam accedant, habitu praelatitio induti, praeparationem et gratiarum actionem persolvere poterunt ante altare in genuflexorio pulvinaribus tantum instructo, vestes sacras ab altari assumere (non tamen Crucem pectoralem et Annulum) aliquem clericum in Sacris assistentem habere, ac duos inferiores ministros; Canonem et Palm-

atoriam, Urceum et Pelvim cum Manutergio in lance adhibere: sed ante V. Communio manus ne lavent. In aliis Missis lectis a simplici Sacerdote ne differant, nisi in usu Palmatoriae: in Missis autem cum cantu, sed non pontificalibus, uti poterunt etiam Canone, Urceo cum Pelvi, ac lance ad Manutergium, nisi ex statutis vel consuetudine in propria ecclesia haec prohibeantur.

32. Canonico Protonotario Apostolico Supranumerario Pontificalia peragere cum ornamentis ac ritu superius enunciatis fas non erit, nisi infra terminos propriae dioecesis; extra autem, nonnisi ornatu et ritu, prout Protonotariis ad instar, ut infra dicetur, concessum est.

33. Cum tamen Canonicos trium Patriarchalium Urbis, ob earumdem praestantiam, aequum sit excellere privilegiis, eo vel magis quod in Urbe, ob Summi Pontificis praesentiam, Pontificalium privilegium exercere nequeunt, illis permittitur, ut in ecclesiis totius terrarum orbis, impetrata Ordinariorum venia, ac Praesulum ecclesiarum exemptarum consensu, Pontificalia agant cum ritu atque ornamentis nn. 27, 28, 29 recensitis. Insuper, licet aliquis ex ipsis inter Praelatos nondum fuerit adscriptus, Palmatoria semper, etiam in privatis Missis uti poterit.

34. Recensita hactenus privilegia illa sunt quibus dumtaxat Protonotarii Apostolici Supranumerarii fruuntur. Verum, cum eadem collective coetui Canonicorum conferantur, Canonici ipsi, tamquam singuli, iis uti nequibunt, nisi Praelati urbani fuerint nominati et antea suae ad Canonicatum vel Dignitatem promotionis et auspicatae iam pos-

sessionis, atque inter Praelatos aggregationis, ut num. 14 dicitur, testimonium Collegio Protonotariorum Participantium exhibuerint; coram ipsius Collegii Decano, vel per se vel per legitimum procuratorem, Fidei professionem et fidelitatis iusiurandum de more praestiterint, ac de his post ea, exhibito documento, proprium Ordinarium certorem fecerint. Quibus expletis, eorum nomen in sylloge Protonotariorum Apostolicorum recensebitur.

35. Canonici ecclesiarum extra Urbem, qui ante Nostri huius documenti Motu Proprio editi publicationem, privilegia Protonotariorum, una cum Canonicatu, sunt assequuti, ab expeditione Brevis de quo supra, num. 14, dispensantur; iusiurandum tamen fidelitatis coram Ordinario suo praestabunt infra duos menses.

36. Collegialiter tamquam Canonici pontificalibus functionibus, iuxta Caeremoniale Episcoporum, sacris vestibus induti adsistentes non alia Mitra utantur, quam simplici, nec unquam hoc et ceteris fruantur Protonotariorum insignibus et privilegiis extra propriam ecclesiam, nisi in diplomate concessionis aliter habeatur. Canonicus tamen, qui forte ad ordinem saltem Subdiaconatus non sit promotus, neque in choro cum aliis Mitra unquam utatur. In functionibus autem praedictis inservientem de Mitra non habebunt, prout in Pontificalibus uni Celebranti competit. Qui in Missa solemni Diaconi, Subdiaconi aut Presbyteri assistentis munus agunt, dum Dignitas, vel Canonicus, aut alter Privilegiarius pontificaliter celebrant, Mitra non utentur; quam tamen adhibere poterunt Episcopo solemniter cele-

brante, ut dictum est de collegialiter adsistentibus, quo in casu, cum ministrant, aut cum Episcopo operantur, maneant detecto capite.

37. Protonotarius Supranumerarius defunctus efferri aut tumulari cum Mitra non poterit, neque haec eius feretro imponi.

38. Ne autem Protonotariorum numerus plus aequo, augeatur, prohibemus, ne in posterum in ecclesiis, de quibus supra, Canonici Honorarii, sive infra, sive extra dioecesim degant, binas partes excedant eorum, qui Capitulum iure constituunt.

39. Qui secus facere, aliisve, praeter memorata, privilegiis et iuribus uti praesumpserint, si ab Ordinario semel et bis admoniti non paruerint, eo ipso, Protonotariatus titulo, honore, iuribus et privilegiis, tamquam singuli, privatos se noverint.

40. Sciant praeterea, se, licet forte plures una simul, non tamquam unius ecclesiae Canonici, sed tamquam Protonotarii conveniant, non idcirco Collegium praelatitium constituere; verum quando una cum Protonotariis de numero Participantium concurrunt, v. gr. in Pontificia Cappella, tunc quasi unum corpus cum ipsis effecti censentur, sine ullo tamen amplissimi Collegii praeiudicio, ac servatis eiusdem Cappellae et Familiae Pontificiae consuetudinibus.

41. Si quis (exceptis Canonicis trium Patriarchalium Urbis) quavis ex causa Dignitatem aut Canonicatum dimittat, cui titulus, honor et praerogativae Protonotarii Apostolici Supranumerarii adnexa sint, ab eiusmodi titulo hon-

ore et praerogativis statim decidet. Qui vero Pontificium Breve inter Praelatos aggregationis obtinuerit, horum tantum privilegiis deinceps perfruetur.

III. Protonotarii Apostolici ad instar

42. Inter Protonotarios Apostolicos ad instar Participantium illi viri ecclesiastici adnumerantur, quibus Apostolica Sedes hunc honorem conferre voluerit, ac praeterea Dignitates et Canonici alicuius Capituli praestantioris, quibus collegialiter titulus et privilegia Protonotariorum, cum addito ad instar, ubique utenda, fuerint ad eadem Apostolica Sede collata. Canonici enim, qui aut in propria tantum ecclesia vel dioecesi titulo Protonotarii aucti sunt, aut nonnullis tantum Protonotariorum privilegiis fuerunt honestati, neque Protonotariis aliisve Praelatis Urbanis accensebuntur, neque secus habebuntur ac illi de quibus hoc in Nostro documento nn. 80 et 81 erit sermo.

43. Qui Protonotarii Apostolici ad instar tamquam singuli iuribus honorantur, eo ipso sunt Praelati Domus Pontificiae; qui vero ideo sunt Protonotarii quia alicuius ecclesiae Canonici, Praelatis Domesticis non adnumerantur, nisi per Breve Pontificium, ut num. 14 dictum est. Omnes Protonotarii ad instar subiecti remanent, ad iuris tramitem, Ordinario loci.

44. Beneficia illorum, qui Protonotarii ad instar titulo et honore gaudent tamquam Canonici alicuius Capituli, si vacent extra Romanam Curiam, Apostolicae Sedi minime

reservantur. Beneficia vero eorum, qui tali titulo et honore fruuntur, tamquam privata persona, non poterunt nisi ab Apostolica Sede conferri.

45. Quod pertinet ad habitum praelatitium, pianum et communem, stemmata et choralia insignia, habitum et locum in Pontificia Cappella, omnia observabunt, uti supra dictum est de Protonotariis Supranumerariis, nn. 16, 17, 18, 19, 20.

46. Iisdem iuribus gaudebunt, praecendentiae, privati oratorii, conficiendi acta Beatificationis et Canonizationis, passive electionis in Conservatores, ceterisque; item recipiendae Fidei professionis, reverentiae ad Crucem, thurificationis, quibus omnibus fruuntur Protonotarii Supranumerarii, ut supra nn. 21, 22, 23, 24, ac iisdem sub conditionibus.

47. De venia Ordinarii et Praesulis consensu ecclesiae exemptae, extra Urbem, Missas, non tamen de requie, pontificali ritu et ornatu celebrare poterunt, prout supra notatur, ubi de Protonotariis Supranumerariis, nn. 25, 26, 27, 28, 29; verum his legibus: Nec Faldistorio nec Gremiali unquam utantur, sed una cum Ministris in scamno, cooperto panno coloris diei, sedeant; caligis et sandalis utantur sericis tantum, cum orae textu item serico flavi coloris ornato, et similiter sericis chirothecis sine alio ornamento; Mitra simplici ex serico damasceno, nullo ornamento, ne in oris quidem distincta, cum rubris laciniis ad vittas. Extra Cathedrales ecclesias tantum, assistentem Presbyterum habere poterunt pluviali indutum, dummodo non assistat Episco-

pus Ordinarius aut alius Praesul ipso Episcopo maior. Crucem pectoralem auream sine gemmis gerent, appensam funiculo serico violacei ex integro coloris, auro non intertexto. Omnia, quae in Missa cantanda vel legenda sunt, nunquam ad scamnum, sed ad altare cantabunt et legent. Manus infra Missam lavent tantum ad Ps. Lavabo.

48. Poterunt insuper, pariter extra Urbem, de venia Ordinarii et cum praesulis ecclesiae exemptae consensu, Mitra, Cruce pectorali et Annulo ornati, ad scamnum, more Presbyterorum, celebrare Vesperas illius festi, cuius Missam ipsi pontificaliter acturi sint, vel peregerint (absque benedictione in fine). Iisdem ornamentis eodemque ritu uti licebit, de speciali tamen commissione Ordinarii, in Vesperis festi, cuius Missa in pontificalibus ab alio quolibet Praelato celebretur, itemque in benedictione cum Sanctissimo Sacramento solemniter (non tamen trina) impertienda, in Processionibus, et in una ex quinque absolutionibus in solemnioribus exsequiis, de quibus in Pontificali Romano.

49. Romae Missam lectam, aliqua cum solemnitate celebrantes, si praelatitio habitu sint induti, ea retineant, quae de Protonotariis Supranumerariis n. 31 constituta sunt; extra Urbem, de speciali tamen commissione Ordinarii, eodem modo se gerent; aliis in Missis et functionibus, tamquam Praelati Domestici, ut n. 78, Palmatoriam tantum, si velint, adhibeant.

50. Qui Canonicorum coetui adscriptus, cui hactenus recensita Protonotariorum ad instar privilegia concessa sint, tamquam privata persona iisdem uti velit, prius Breve

Pontificium, ut dicitur nn. 14 et 43, de sua inter Praelatos Domesticos aggregatione, servatis servandis, obtineat, simulque suae ad Canonicatum vel Dignitatem promotionis, initaeque possessionis ac inter Praelatos aggregationis testimonium Collegio Protonotariorum Participantium exhibeat. Tum coram ipsius Collegii Decano, vel per se vel per legitimum procuratorum, Fidei professionem ac fidelitatis iusiurandum, de more, praestet; de his denique exhibito documento proprium Ordinarium certiorem faciat. Qui vero tamquam privata persona huiusmodi titulum rite fuerit consecutus, non ante privilegiis eidem titulo adnexis uti poterit, quam legitimum suae nominationis testimonium memorato Collegio exhibuerit, Fidei professionem et fidelitatis iusiurandum, uti supra, ediderit, de hisque omnibus authenticum documentum suo Ordinario attulerit. Haec ubi praestiterint, eorum nomen in sylloge Protonotariorum recensebitur.

51. Qui ante has Litteras, Motu Proprio editas, iuribus gaudebant Protonotarii ad instar, tamquam alicuius ecclesiae Canonici, a postulatione Brevis, de quo in superiori numero, dispensantur, quemadmodum et a iureiurando, ut ibidem dicitur, praestando, quod tamen proprio Ordinario infra duos menses dabunt.

52. Habitum et insignia in choro Dignitates et Canonici Protonotarii gerent, prout Capitulo ab Apostolica Sede concessa sunt; poterunt nihilominus veste tantum uti violacea praelatitia cum zona sub choralibus insignibus, nisi tamen alia vestis, tamquam insigne chorale sit adhibenda. Pro usu Roccheti et Mantelleti in choro attendatur, utrum haec sint

speciali indulto permissa; alias enim Protonotarius, habitu praelatitio assistens, neque locum inter Canonicos tenebit, neque distributiones acquiret, quae sodalibus accrescent.

53. Collegialiter tamquam Canonici pontificalibus functionibus, iuxta Caeremoniale Episcoporum, sacris vestibus induti assistentes, non alia Mitra utentur quam simplici, nec unquam hoc aliisve supra memoratis insignibus et, privilegiis extra propriam ecclesiam, nisi in concessionis diplomate aliter habeatur. Canonicus tamen, qui forte ad ordinem saltem Subdiaconatus non sit promotus, ne in choro quidem cum aliis Mitra unquam utatur. In functionibus autem praedictis inservientem de Mitra non habebunt, prout in Pontificalibus uni Celebranti competit. Qui in Missa solemni Diaconi, Subdiaconi aut Presbyteri assistentis munus agunt, dum Dignitas, vel Canonicus, aut alter Privilegiarius pontificialiter celebrant, Mitra non utentur; quam tamen adhibere poterunt, Episcopo solemniter celebrante, ut dictum est de collegialiter adsistentibus, quo in casu, cum ministrant, aut cum Episcopo operantur, maneant detecto capite.

54. Protonotarius ad instar defunctus efferri aut tumulari cum Mitra non poterit, nec eius feretro ipsa imponi.

55. Ne autem Protonotariorum numerus plus aequo augeatur, prohibemus, ne in posterum in ecclesiis, de quibus supra, Canonici Honorarii, sive infra, sive extra dioecesim degant, binas partes excedant eorum, qui Capitulum iure constituunt.

56. Qui secus facere, aliisve, praeter memorata, privilegiis et iuribus uti praesumpserint, si ab Ordinario semel et

bis admoniti non paruerint, eo ipso, Protonotariatus titulo, honore, iuribus et privilegiis, tamquam singuli, privatos se noverint.

57. Sciant praeterea, se, licet forte plures una simul, non tamquam unius ecclesiae Canonici, sed tamquam Protonotarii, conveniant, non idcirco Collegium Praelatitium constituere; verum, quando una cum Protonotariis de numero Participantium concurrunt, v. gr. in Pontificiis Cappellis, tunc quasi unum corpus cum ipsis effecti censentur, sine ullo tamen amplissimi Collegii praeiudicio, ac servatis eiusdem Cappellae et Familiae Pontificiae consuetudinibus.

58. Si quis, quavis ex causa, Dignitatem aut Canonicatum dimittat, cui titulus, honor et praerogativae Protonotariorum ad instar adnexa sint, statim ab iisdem titulo, honore et praerogativis decidet. Qui vero Pontificium Breve inter Praelatos aggregationis obtinuerit, horum tantum privilegiis deinceps perfruetur.

IV. Protonotarii Apostolici Titulares seu Honorarii

59. Cum Apostolica Sedes, non sibi uni ius reservaverit Protonotarios Titulares seu honorarios nominandi, sed Nuntiis Apostolicis, collegio Protonotariorum Participantium et forte aliis iamdiu illud delegaverit, antequam de eorum privilegiis ac praerogativis aliquid decernamus, leges seu conditiones renovare placet, quibus rite honesteque ad huiusmodi dignitatem quisque Candidatus valeat evehi, iuxta Pii PP. VII Praedecessoris Nostri Constitutionem "Cum innumeri," Idibus decembr. MDCCCXVIII datam.

60. Quoties igitur de honorario Protonotariatu assequendo postulatio praebeatur, proferantur, ab Ordinario recognita, testimonia quibus constet indubie: I. de honesta familiae conditione; 2. de aetate saltem annorum quinque et viginti; 3. de statu clericali ac caelibi; 4. de Laurea doctoris in utroque, aut canonico tantum iure, vel in S. Theologia, vel in S. Scriptura; 5. de morum honestate et gravitate, ac de bona apud omnes aestimatione; 6. de non communibus in Ecclesiae bonum provehendum laudibus comparatis; 7. de idoneitate ad Protonotariatum cum decore sustinendum, habita etiam annui census ratione, iuxta regionis cuiusque aestimationem.

61. Quod si huiusmodi Protonotariatus honor alicui Canonicorum coetui collective ab Apostolica Sede conferatur (quod ius, collective Protonotarios nominandi, nemini censeri posse delegatum declaramus), eo ipso, quo quis Dignitatem aut Canonicatum est legitime consequutus, Protonotarius nuncupabitur.

62. Pariter, qui Vicarii Generalis aut etiam Capitularis munere fungitur, hoc munere dumtaxat perdurante, erit Protonotarius Titularis; hinc, si Dignitate aut Canonicatu in Cathedrali non gaudeat, quando choro interesse velit, habitu Protonotarii praelatitio, qui infra describitur, iure utetur.

63. Protonotarii Apostolici Titulares sunt Praelati extra Urbem, qui tamen subiecti omnino manent locorum Ordinariis, Praelatorum Domus Pontificiae honoribus non gaudent, neque inter Summi Pontificis Familiares adnumerantur.

64. Extra Urbem, dummodo Summus Pontifex eo loci non adsit, in sacris functionibus rite utuntur habitu praelatitio, nigri ex integro coloris, idest veste talari, etiam, si libeat, cum cauda (nunquam tamen explicanda), zona serica cum duobus flocculis a laeva pendentibus, Roccheto, Mantelleto et bireto, absque ulla horum omnino parte, subsuto aut ornamento alterius coloris.

65. Extra Urbem, praesente Summo Pontifice, descripto habitu indui possunt, si hic tamquam chorale insigne concessus sit, vel si quis uti Vicarius adfuerit.

66. Habitu praelatitio induti, omnibus Clericis, Presbyteris, etiam Canonicis singulatim sumptis, praeferantur, non vero Canonicis, etiam Collegiatarum, collegialiter convenientibus, neque Vicariis Generalibus et Capitularibus, aut Superioribus Generalibus Ordinum Regularium, et Abbatibus ac Praelatis Romanae Curiae; non genuflectunt ad Crucem vel ad Episcopum, sed tantum se inclinant, ac duplici ductu thurificantur.

67. Super habitu quotidiano, occasione solemnis conventus, audientiae et similium, etiam Romae et coram Summo Pontifice, zonam tantum sericam nigram, cum laciniis item nigris, gestare poterunt, cum pileo chordula ac floccis nigris ornato.

68. Propriis insignibus, seu stemmatibus, pileum imponere valeant, sed nigrum tantummodo, cum lemniscis, et sex hinc, sex inde flocculis pendentibus, item ex integro nigris.

69. Si quis Protonotarius Titularis, Canonicatus aut

Dignitatis ratione, choro intersit, circa habitum se gerat iuxta normas Protonotariis ad instar constitutas, num. 52, vestis colore excepto.

70. Sacris operantes, a simplicibus Sacerdotibus minime differant; attamen extra Urbem in Missis et Vesperis solemnibus, pariterque in Missis lectis aliisque functionibus solemnius aliquando celebrandis, Palmatoria tantum ipsis utenda conceditur, excluso Canone aliave pontificali supellectili.

71. Quod pertinet ad acta in causis Beatificationis et Canonizationis, et ad passivam electionem in Conservatores ac cetera, iisdem iuribus gaudent, quibus fruuntur Protonotarii Supranumerarii, uti nn. 23 et 24 supra dictum est.

72. Beneficia eorum qui, tamquam privatae personae, Protonotariatum Titularem assequuti sunt, non vero qui ratione Vicariatus, Canonicatus sive Dignitatis eodem gaudent, ab Apostolica tantum Sede conferantur.

73. Noverint autem, se, licet forte plures una simul, non tamquam unius ecclesiae Canonici, sed tamquam Protonotarii, conveniant, non ideo Collegium constituere.

74. Tandem qui Protonotariatu Apostolico honorario donati sunt, tamquam privatae personae, titulo, honoribus et privilegiis Protonotariatus uti nequeunt, nisi antea diploma suae nominationis Collegio Protonotariorum Participantium exhibuerint, Fideique professionem, ac fidelitatis iusiurandum coram Ordinario, aut alio viro in ecclesiastica dignitate constituto emiserint. Qui vero ob Canonicatum, Dignitatem, aut Vicariatum, eo potiti fuerint, nisi idem praesti-

terint, memoratis honoribus et privilegiis, quae superius recensentur, tantummodo intra propriae dioecesis limites uti poterunt.

75. Qui secus facere, aliisque, praeter descripta, privilegiis uti praesumpserint, si ab Ordinario semel et bis admoniti non paruerint, eo ipso honore et iuribus Protonotarii privatos se sciant: quod si Protonotariatum, tamquam privata persona adepti sint, etiam titulo.

76. Vicarii Generales vel Capitulares, itemque Dignitates et Canonici nomine atque honoribus Protonotariatus titularis gaudentes, si, quavis ex causa, a munere, Dignitate aut Canonicatu cessent, eo ipso, titulo, honoribus et iuribus ipsius Protonotariatus excident.

B. De ceteris Praelatis Romanae Curiae

77. Nihil detractum volumus honoribus, privilegiis, praeeminentiis, praerogativis, quibus alia Praelatorum Romanae Curiae Collegia, Apostolicae Sedis placito, exornantur.

78. Insuper concedimus, ut omnes et singuli Praelati Urbani seu Domestici, esti nulli Collegio adscripti, ii nempe, qui tales renunciati, Breve Apostolicum obtinuerint, Palmatoria uti possint (non vero Canone aut alia pontificali supellectili) in Missa cum cantu, vel etiam lecta, cum aliqua solemnitate celebranda; item in Vesperis aliisque solemnibus functionibus.

79. Hi autem habitum, sive praelatitium sive quem vocant pianum, gestare poterunt, iuxta Romanae Curiae consuetudinem, prout supra discribitur nn. 16, 17; numquam ta-

men vestis talaris caudam explicare, neque sacras vestes ex altari assumere valeant, nec alio uti colore, quam violaceo, in bireti flocculo et pilei vitta, opere reticulato distincta, sive chordulis et flocculis, etiam in pileo stemmatibus imponendo ut n. 18 dictum est, nisi, pro eorum aliquo, constet de maiori particulari privilegio.

C. De dignitatibus, canonicis et aliis, qui nonnullis privilegiis praelatorum propriis fruuntur

80. Ex Romanorum Pontificum indulgentia, insignia quaedam praelatitia aut pontificalia aliis Collegiis, praesertim Canonicorum, eorumve Dignitatibus, quocumque nomine nuncupentur, el a priscis temporibus tribui consueverunt; cum autem eiusmodi privilegia deminutionem quamdam episcopali dignitati videantur afferre, idcirco ea sunt de iure strictissime interpretanda. Huic principio inhaerentes, expresse volumus, ut in Pontificalium usu nemini ad aliquod ex supra memoratis Collegiis pertinenti in posterum ampliora suffragentur privilegia, quam quae, superius descripta, competunt Protonotariis sive Supranumerariis, sive ad instar, et quidem non ultra propriae ecclesiae, aut ad summum dioeceseos, si hoc fuerit concessum, limites; neque ultra dies iam designatos, aut determinates functiones; et quare arctiora sunt, ne augeantur.

81. Quoniam vero de re agitur haud parvi momenti, quippe quae ecclesiasticam respicit disciplinam, ne quis audeat arbitraria interpretatione, maiora quam in concedentis voluntate fuerint, sibi privilegia vindicare; quin potius pa-

ratum sese ostendat, quatenus illa excesserint, minoribus coarctari; singulis locorum Ordinariis, quorum sub iurisdictione vel quorum in territorio, si de exemptis agatur, aliquis ex praedictis coetibus inveniatur, demandamus, ut, tamquam Apostolicae Sedis Delegati, Apostolicarum Concessionum documenta ipsis faventia, circa memorata privilegia, infra bimestre tempus, ab hisce Nostris Ordinationibus promulgatis, sub poena immediate amissionis eorum quae occultaverint, ad se transmitti curent, quae intra consequentum mensem ad Nostram SS. Rituum Congregationem mittant. Haec autem, pro suo munere, omnia et singula hisce Nostris dispositionibus aptans, declarabit et decernet, quaenam in posterum illis competant.

Haec omnia rata et firma consistere auctoritate Nostra volumus et iubemus: contrariis non obstantibus quibuscumque.

Datum Romae apud S. Petrum, die XXI. Februarii MCMV, Pontificatus Nostri anno secundo.

PIVS PP. X.

II

DECREE OF THE S. CONGREGATION OF THE COUNCIL, ON MANUAL STIPENDS, OF MAY 11, 1904.

ALSO: *Resolutiones Dubiorum,* IN ELUCIDATION OF THE DECREE.

I. DECRETUM DE OBSERVANDIS ET EVITANDIS IN MISSARUM MANUALIUM SATISFACTIONE

Ut debita sollicitudine missarum manualium celebratio

impleatur, eleemosynarum dispersiones et assumptarum obligationum obliviones vitentur, plura etiam novissimo tempore S. Concilii Congregatio constituit. Sed in tanta nostrae aetatis rerum ac fortunarum mobilitate et crescente hominum malitia, experientia docuit cautelas vel maiores esse adhibendas, ut piae fidelium voluntates non fraudentur, resque inter omnes gravissima studiose ac sancte custodiatur. Qua de causa Emi S. C. Patres semel et iterum collatis consiliis, nonnulla statuenda censuerunt, quae SSmus D. N. Pius PP. X. accurate perpendit, probavit, vulgarique iussit, prout sequitur.

Declarat in primis Sacra Congregatio manuales missas praesenti decreto intelligi et haberi eas omnes quas fideles oblata manuali stipe celebrari postulant, cuilibet vel quomodocumque sive brevi manu, sive in testamentis, hanc stipem tradant, dummodo perpetuam fundationem non constituant, vel talem ac tam diuturnam ut tamquam perpetua haberi debeat.

Pariter inter manuales missas accenseri illas, quae privatae alicuius familiae patrimonium gravant quidem in perpetuum, sed in nulla Ecclesia sunt constitutae, quibus missis ubivis a quibuslibet sacerdotibus, patrisfamilias arbitrio, satisfieri potest.

Ad instar manualium vero esse, quae in aliqua ecclesia constitutae, vel beneficiis adnexae, a proprio beneficiario vel in propria ecclesia hac illave de causa applicari non possunt; et ideo aut de iure aut cum S. Sedis indulto, aliis sacerdotibus tradi debent, ut iisdem satisfiat.

Iam vero de his omnibus S. C. decernit:

1. neminem posse plus missarum quaerere et accipere quam celebrare probabiliter valeat intra temporis terminos inferius statutos, et per se ipsum, vel per sacerdotes sibi subditos, si agatur de Ordinario dioecesano, aut Praelato regulari.

2. Utile tempus ad manualium missarum obligationes implendas esse mensem pro missa una, semestre pro centum missis, et aliud longius vel brevius temporis spatium plus minusve, iuxta maiorem vel minorem numerum missarum.

3. Nemini licere tot missas assumere quibus intra annum a die susceptae obligationis satisfacere probabiliter ipse nequeat; salva tamen semper contraria offerentium voluntate, qui aut brevius tempus pro missarum celebratione sive explicite sive implicite ob urgentum aliquam caucam deposcant, aut longius tempus concedant, aut maiorem missarum numerum sponte sua tribuant.

4. Cum in decreto Vigilanti diei 25 mensis Maii 1893 statutum fuerit "ut in posterum omnes et singuli ubique locorum beneficiati et administratores piarum causarum, aut utcumque ad missarum onera implenda obligati, sive ecclesiastici sive laici, in fine cuiuslibet anni missarum onera, quae reliqua sunt, et quibus nondum satisfecerint, propriis Ordinariis tradant iuxta modum ab iis definiendum;" ad tollendas ambiguitates Emi Patres declarant ac statuunt, tempus his verbis praefinitum ita esse accipiendum, ut pro missis fundatis aut alicui beneficio adnexis obligatio eas deponendi decurrat a fine illius anni intra

quem onera impleri debuissent: pro missis vero manualibus obligatio eas deponendi incipiat post annum a die susceptí oneris, si agatur de magno missarum numero; salvis praescriptionibus praecedentis articuli pro minori missarum numero, aut diversa voluntate offerentium.

Super integra autem et perfecta observantia praescriptionum quae tum in hoc articulo, tum in praecedentibus statutae sunt, omnium ad quos spectat conscientia graviter oneratur.

5. Qui exuberantem missarum numerum habent, de quibus sibi liceat libere disponere (quin fundatorem vel oblatorum voluntati quoad tempus et locum celebrationis missarum detrahatur), posse eas tribuere praeterquam proprio Ordinario aut S. Sedi, sacerdotibus quoque sibi benevisis, dummodo certe ac personaliter sibi notis et omni exceptione maioribus.

6. Qui missas cum sua eleemosyna proprio Ordinario aut S. Sedi tradiderint, ab omni obligatione coram Deo et Ecclesia relevari.

Qui vero missas a fidelibus susceptas, aut utcumque suae fidei commissas, aliis celebrandas tradiderint, obligatione teneri usque dum peractae celebrationis fidem non sint assequuti: adeo ut si ex eleemosynae dispersione, ex morte sacerdotis, aut ex alia qualibet etiam fortuita causa in irritum res cesserit, committens de suo supplere debeat, et missis satisfactere teneatur.

7. Ordinarii dioecesani missas, quas ex praecedentium articulorum dispositione coacervabunt, statim ex ordine in

librum cum respectiva eleemosyna referent, et curabunt pro viribus ut quamprimum celebrentur, ita tamen ut prius manualibus satisfiat, deinde iis quae ad instar manualium sunt. In distributione autem servabunt regulam decreti Vigilanti, scilicet "missarum intentiones primum distribuent inter sacerdotes sibi subiectos, qui eis indigere noverint; alias deinde aut S. Sedi, aut aliis Ordinariis committent, aut etiam, si velint, sacerdotibus extra-dioecesanis, dummodo sibi noti sint omnique exceptione maiores," firma semper regula art. 6 de obligatione, donec a sacerdotibus actae celebrationis fidem exegerint.

8. Vetitum cuique omnino esse missarum obligationes et ipsarum eleemosynas a fidelibus vel locis piis acceptas tradere bibliopolis et mercatoribus, diariorum et ephemeridum administratoribus, etiamsi religiosi viri sint, necnon venditoribus sacrorum utensilium et indumentorum, quamvis pia et religiosa instituta, et generatim quibuslibet, etiam ecclesiasticis viris, qui missas requirant, non taxative ut eas celebrent sive per se sive per sacerdotes sibi subditos, sed ob alium quemlibet, quamvis optimum, finem. Constitit enim id effici non posse nisi aliquod commercii genus cum eleemosynis missarum agendo, aut eleemosynas ipsas imminuendo: quod utrumque omnino praecaveri debere S. Congregatio censuit. Qua propter in posterum quilibet hanc legem violare praesumpserit aut scienter tradendo missas ut supra, aut eas acceptandi, praeter grave peccatum quod patrabit, in poenas infra statutas incurret.

9. Iuxta ea quae in superiore articulo constituta sunt

decernitur, pro missis manualibus stipem a fidelibus assignatam, et pro missis fundatis aut alicui beneficio adnexis (quae ad instar manualium celebrantur) eleemosynam iuxta sequentes articulos propriam, numquam separari posse a missae celebratione, neque in alias res commutari aut imminui, sed celebranti ex integro et in specie sua esse tradendam, sublatis declarationibus, indultis, privilegiis, rescriptis sive perpetuis sive ad tempus, ubivis, quovis titulo, forma vel a qualibet auctoritate concessis et huic legi contrariis.

10. Ideoque libros, sacra utensilia vel quaslibet alias res vendere aut emere, et associationes (uti vocant) cum diariis et ephemeridibus inire ope missarum, nefas esse atque omnino prohiberi. Hoc autem valere non modo si agatur de missis celebrandis, sed etiam si de celebratis, quoties id in usum et habitudinem cedat et si in subsidium alicuius commercii vergat.

11. Item sine nova et speciali S. Sedis venia (quae non dabitur nisi ante constiterit de vera necessitate, et cum debitis et opportunis cautelis), ex eleemosynis missarum, quas fideles celebrioribus Sanctuariis tradere solent, non licere quidquam detrahere ut ipsorum decori et ornamento consulatur.

12. Qui autem statuta in praecedentibus articulis 8, 9, 10 et 11, quomodolibet aut quovis praetextu perfringere ausus fuerit, si ex ordine sacerdotali sit, suspensioni a divinis S. Sedi reservatae et ipso facto incurrendae obnoxius erit; si clericus sacerdotio nondum initiatus, suspensioni

a susceptis ordinibus pariter subiacebit, et insuper inhabilis fiet ad superiores ordines assequendos; si vero laicus, excommunicatione latae sententiae Episcopo reservata obstringetur.

13. Et cum in const. Apostolicae Sedis statutum sit excommunicationem latae sententiae Summo Pontifici reservatae subiacere "colligentes eleemosynas maioris pretii pro missis, et ex iis lucrum captantes, faciendo eas celebrare in locis ubi missarum stipendia minoris pretii esse solent," S. C. declarat, huic legi et sanctioni per praesens decretum nihil esse detractum.

14. Attamen ne subita innovatio piis aliquibus causis et religiosis publicationibus noxia sit, indulgetur ut associationes ope missarum iam initae usque ad exitum anni a quo institutae sunt protrahantur. Itemque conceditur ut indulta reductionis eleemosynae missarum, quae in beneficium Sanctuariorum aliarumve piarum causarum aliquibus concessa reperiuntur, usque ad currentis anni exitum vigeant.

15. Denique quod spectat missas beneficiis adnexas, quoties aliis sacerdotibus celebrandae traduntur, Emi Patres declarant ac statuunt, eleemosynam non aliam esse debere quam synodalem loci in quo beneficia erecta sunt.

Pro missis vero in paroeciis aliisque ecclesiis fundatis eleemosynam, quae tribuitur, non aliam esse debere quam quae in fundatione vel in successivo reductionis indulto reperitur in perpetuum taxata, salvis semper manentibus furibus, si quae sint, legitime recognitis sive pro fabricis

ecclesiarum, sive pro earum rectoribus, iuxta declarationes a S. C. exhibitas in Monacen. 25 Iulii 1874 et Hildesien. 21 Ianuarii 1898.

In Monacen. enim "attento quod eleemosynae missarum quorundam legatorum pro parte locum tenerent congruae parochialis, Emi Patres censuerunt licitum esse parocho, si per se satisfacere non possit, eas missas alteri sacerdoti committere, attributa eleemosyna ordinaria loci sive pro missis lectis sive cantatis." Et in Hildesien. declaratum est, "in legatis missarum aliqua in ecclesia fundatis retineri posse favore ministrorum et ecclesiarium inservientium eam redituum portionem quae in limine fundationis, vel alio legitimo modo, ipsis assignata fuit independenter ab opere speciali praestando pro legati adimplemento."

Denique officii singulorum Ordinariorum erit curare ut in singulis ecclesiis, praeter tabellam onerum perpetuorum et librum in quo manuales missae quae a fidelibus traduntur ex ordine cum sua eleemosyna recenseantur, insuper habeantur libri in quibus dictorum onerum et missarum satisfactio signetur.

Ipsorum pariter erit vigilare super plena et omnimoda executione praesentis decreti: quod Sanctitas Sua ab omnibus inviolabiliter servari iubet, contrariis quibuslibet minime obstantibus.

Datum Romae ex Congregatione Concilii die 11. Maii 1904.

✠ Vincentius Card. Ep. Praenestinus, *Praefectus.*

C. de Lai, *Secretarius.*

II. Resolutiones dubiorum S. Congr. Concilii

I. ALIPHAN

CIRCA INTERPRETATIONEM DECRETI SUPER MISSAS MANUALES

Beatissime Pater,

Episcopus Aliphanus humiliter petit solutionem sequentium dubiorum, quae sese referunt ad Decretum Ut debita sollicitudine editum a S. Congr. Concilii die 11. Maii 1904.

I. An Missae, quae ex onere perpetuo inhaerent ecclesiae, monasterio, confraternitatibus aut locis piis quibuscumque, sed in nulla ecclesia sunt constitutae ita ut a quolibet sacerdote pro administratorum arbitrio ubivis applicari possint, accenseri debeant inter fundatas vel potius inter manuales ad effectum decreti?

II. An sacerdotes, quibus a rectoribus seu administratoribus ecclesiarum committitur satisfactio unius aut plurium legatorum Missarum, in ecclesia fundatorum, possint pro suo arbitrio committere earum Missarum celebrationem aliis sacerdotibus cum minori eleemosyna etiam extra ecclesiam propriam?

III. An sacerdotes fruentes cappellaniis fundatis sive ecclesiasticis sive laicalibus possint aliis sacerdotibus Missas suarum capellaniarum celebrandas committere statuta eleemosyna pro suo arbitrio?

IV. An Episcopus possit sub censuris latae sententiae compellere sacerdotes, beneficiatos et administratores locorum piorum in fine cuiuslibet anni ab sibi tradendas Missas,

quibus infra annum non satisfecerint, et sub iisdem poenis illis prohibere ne mittant extra dioecesim?

Die 19. Decembris 1904.

S. Congregatio Concilii Tridentini Interpres praedictis dubiis ita respondendum censuit:

Ad I. Habendas esse ad instar manualium.

Ad II. Non posse.

Ad III. Negative, et servandas esse dispositiones articuli XV decreti.

Ad IV. Contra transgressores articuli IV citati decreti Episcopus procedere posse in particulari, servatis de iure servandis, etiam cum censuris.

2. SOCIETATIS SS. SALVATORIS

CIRCA DECRETUM "DE OBSERVANDIS"

Beatissime Pater,

P. Pancratius Pfeiffer, Procurator Generalis Societatis Divini Salvatoris, ad pedes Sanctitatis Vestrae provolutus humillime exponit.

Societas Divini Salvatoris quotannis magnum numerum recipit S. Missarum, quibus ipsa per suos sacerdotes persolvendis impar esse solet. Hucusque Societas fruebatur privilegio, quo obligationibus Missarum persolvendarum, exceptis Missis urgentibus, infra sex menses satisfacere posset; quas vero per suos sacerdotes celebrare non poterat, eas tradere sibi liceret S. C. Visitationis Apostolicae cum sti-

pendio reducto unius libellae, tradita quarta parte harum Missarum cum stipendiis suis integris. Cum Societas, quae indiget quam maxime auxilio amicorum et benefactorum, Missas per litteras plerumque oblatas sine gravi incommodo et damno refutare nequeat, humilis Orator enixe postulat:

I. Ut praefata Societas etiam in posterum quasvis Missas accipere possit etiam si praevideat futurum esse ut per suos sacerdotes eas celebrare nequeat.

II. Ut obligationibus S. Missarum infra tres menses satisfacere possit, exceptis urgentibus et iis quas accepit statim persolvendas.

III. Ut attestatio Missarum acceptarum, licet nondum persolutarum, a Societate scripto data, Societatum ipsam ab omni obligatione coram Deo et Ecclesia relevet.

IV. Denique supplicat idem humilis Orator, ut Societas S. Missarum partem aliquam a Sancta Sede statuendam in utilitatem Collegii Mariani Romani eiusdem Societatis retinere possit.

Die 27. Februarii 1905.

S. Congregatio Concilii Tridentini Interpres, vigore facultatum a SSmo Dno Nostro Pio PP. X. sibi tributarum, propositis dubiis ita respondendum censuit:

Ad I. Affirmative, vetita tamen studiosa collectione, ita nempe ut accipere possit Missas sponte oblatas, minime vero ab Episcopis aut sacerdotibus eas quaerere.

Ad II. Pro gratia iuxta petita.

Ad III. Pro Missis S. Sedi, Episcopis dioecesanis aut Superioribus Generalibus Ordinum seu Congregationum Re-

ligiosarum datis, affirmative. Pro Missis privatis sacerdotibus commissis, negative, et servetur dispositio Decreti De observandis.

Ad IV. Pro gratia retinendi duas pro singulis centenis. Praesentibus ad quinquennium valituris.

3. SANCTI DEODATI

DUBIA DE MISSARUM STIPENDIIS

Beatissime Pater,

Episcopus S. Deodati ad pedes Sanctitatis Vestrae provolutus humillime exponit:

I. Mos invaluit in sua diocesi, ut Vicarii apud parochos in domo curiali degentes pensionem non argento exsolvant, sed Missae suae quotidianae, sive lectae sive cantatae, eleemosynam parocho dimittant. Quaeritur, utrum mos ille licite possit retineri?

II. Vigore plurium Indultorum idem Episcopus Orator concedere potest sacerdotibus suae dioecesis facultatem recipiendi eleemosynam vel pro secunda Missa, vel pro Missis dierum fastorum in Gallia suppressorum, dummodo supradicta eleemosyna pro suae dioecesis operibus piis applicetur. Orator Episcopus concessit sacerdotibus, ut quaecumque sit eleemosynae quantitas, ad Cancellariam episcopalem non mittatur nisi eleemosyna synodalis, idest Lib. 1,50. Quaeritur an haec Episcopi concessio sit legitima?

Die 27. Februarii 1905.

S. Congregatio Concilii Tridentini Interpres propositis dubiis ita respondendum censuit:

Ad I. Affirmative, dummodo et quousque excessus in modo aut alius abusus non oriatur super quo Ordinarii erit vigilare.

Ad II. Negative.

4. LEOPOLIEN

QUOD INTERPRETATIONEM DECRETI "DE OBSERVANDIS"

Beatissime Pater,

Archiepiscopus Leopoliensis Ruthenorum relates ad Decretum S. C. Concilii diei 11. Maii 1904 quoad Missas manuales, humiliter petit solutionem sequentium dubiorum:

I. An iuxta art. 2 termini persolutionis statui possint:

usque ad	10	Missas	1	mensis
„	20	„	2	mensium
„	40	„	3	„
„	60	„	4	„
„	80	„	5	„
„	100	„	6	„

et ita porro pro quibuslibet 20 Missis unum mensem addendo?

II. An hi termini intelligantur seorsim quoad quemlibet stipendium offerentem, vel etiam intelligi possint cumulative quoad omnes aliqua occasione v. g. in aliqua solemnitate offerentes; ita ut si tunc stipendia offeruntur a 100 oblatoribus, a quolibet pro una Missa, omnes hae Missae in termino sex mensium persolvi debeant?

III. An in casu art. 7 pro sacerdotibus qui ab Ordinario stipendia accipiunt, termini currant non a die quo primarii

offerentes stipendia dederunt, sed ex concessione Apostolicae Sedis a die quo Ordinarius ipsis stipendia tribuit?

IV. An ista stipendia, etsi primario a pluribus offerentibus data, tamen in casu art. 7 tamquam ab uno scilicet Ordinario oblata censenda sint?

V. An liceat Ordinario omnibus his Missis communem generalem intentionem (ad intentionem dantium) praescribere, etsi a primariis offerentibus speciales intentiones praescriptae fuissent?

Die 27. Februarii 1905.

S. Congregatio Concilii Tridentini Interpres propositis dubiis ita respondendum censuit:

Ad I. Rem relinqui discreto iudicio et conscientiae sacerdotum iuxta Decretum et regulas a probatis doctoribus traditas.

Ad II. Affirmative ad primam partem; negative ad secundam, dummodo aliter non constet de voluntate oblatorum.

Ad III. Affirmative, id est obligationem incipere a die quo sacerdotes Missas celebrandas ab Ordinario recipiunt.

Ad IV. Episcopus curet, ut quatenus fieri possit Missae, a pluribus receptae, a pluribus sacerdotibus tempore debito satisfiant.

Ad V. Sufficere, ut sacerdotes celebrent iuxta mentem Ordinarii; qui tamen intentionem pro singulis offerentibus efformare debet iuxta regulas a probatis theologiae moralis auctoribus traditas. Melius tamen esse, si patefiant sacerdotibus intentiones praescriptae.

5. CONGREGATIONIS SPIRITUS SANCTI

POSTULATA SUPER DECRETO "DE OBSERVANDIS"

Beatissime Pater,

Superior Generalis Congregationis a Spiritu Sancto humiliter postulat:

I. An ad art. 7 Decreti De observandis diei 11. Maii 1904 sub nomine Ordinariorum veniant quoque Praelati Regulares pro suis respectivis subditis?

II. An Episcopi dioecesani et Praelati Regulares, qui aliis Episcopis seu Praelatis Regularibus Missas cum sua eleemosyna celebrandas tradiderint, ab omni obligatione coram Deo et Ecclesia relevati censeantur; an potius obligatione teneantur usque dum peractae celebrationis fidem sint assequuti?

Die 27. Februarii 1905.

S. Congregatio Concilii Tridentini Interpres propositis dubiis ita respondendum censuit:

Ad I. Affirmative.

Ad II. Affirmative ad primam partem; negative ad secundam.

✠ Vincentius Card. Ep. Praenest., *Praefectus.*

L✠S. Caietanus de Lai, *Secretarius.**

*The preceding resolutions have the same signature.

III

THE ORDINARY AND EXTRAORDINARY FACULTIES OF THE S. CONGREGATION OF THE SACRED RITES.

Confirmed by Pius X, September 7, 1903.

A. Facultates extraordinariae quae per S. R. C. ex Audientia Sanctissimi obtineri possunt

I. FACULTATES EXTRAORDINARIAE IN CAUSIS BEATIFICATIONIS ET CANONIZATIONIS SERVORUM DEI

1. Deputandi Episcopos, in numero a Generalibus Decretis designato, ad construendos Processus Apostolicos.

2. Prorogandi terminum ad explendos Processus Apostolicos.

3. Indulgendi aperitionem Processuum Ordinaria non minus, quam Apostolica Auctoritate constructorum, attamen adiecta clausula: servatis servandis.

4. Proponendi in Congregatione Ordinaria absque interventu et voto Consultorum Dubia: I. Validitatis Processuum: II. Signaturae Commissionis Introductionis Causae: III. Reassumptionis Causae ad Canonizationem: IV. Singula, quae communiter nuncupantur minora: V. Causas adprobationis seu confirmationis Cultus immemorabilis.

5. Proponendi Dubium in Congregatione Ordinaria Signaturae Commissionis Introductionis Causae, quamvis non defluxerit terminus requisitus decem annorum a praesentatione Processuum Ordinaria Auctoritate constructorum.

6. Proponendi Dubium supra virtutibus, quamvis requisitus terminus quinquaginta annorum non defluxerit a morte Servorum Dei, de quibus agitur.

7. Concedendi Litteras particulares Sacrorum Rituum Congregationis cum Instructionibus R. P. D. Sanctae Fidei Promotoris: I. Ad perquirenda scripta Servorum Dei: II. Ad recognoscenda vel transferenda eorum corpora seu reliquias: III. Ad extrahendas reliquias pro Beatificatione. Quocumque alio in casu a R. P. D. Sanctae Fidei Promotore Instructiones conficiuntur in Causis Servorum Dei particularibus hisce litteris semper accludendae.

8. Concedendi easdem Litteras particulares quoties eae spectent ad executionem alicuius Decreti Sacrorum Rituum Congregationis, vel pertinet ad aliquam notitiam, quae a R. P. D. Sanctae Fidei Promotore desideretur in Animadversionibus etiam in Monasteriis clausurae inquirendam.

9. Indulgendi compulsationem Processuum Informativorum in Apostolicos.

10. Concedendi Litteras Remissoriales pro constructione Processuum, ne pereant probationes, ante examen Dubiorum de Cultu non exhibito et de Fama sanctitatis.

11. Concedendi Litteras Remissoriales pro constructione Processuum auctoritate Apostolica, dirigendas non modo Episcopis iuxta Generalia Decreta, verum aliis iuxta exempla allata a S. M. Benedicto Papa XIV. in opere de Canonizatione Sanctorum lib. 2, cap. 5, et aliis etiam de quibus aliquod exemplum inveniatur, iuxta circumstantiarum varietatem.

12. Deputandi Emos Cardinales Sacrorum Rituum Congregationis a Postulatoribus requisitos in Ponentes seu Relatores Causarum Beatificationis seu Canonizationis.

N. B. Supradictae facultates, quamvis ex Audientia Ssmi obtineri debeant, a Sacra tamen Congregatione, vigore facultatum sibi specialiter tributarum, immediate concedi possunt; quoties necessitas urgeat, et ad Summum Pontificem non habeatur accessus.

II. ALIAE FACULTATES EXTRAORDINARIAE

1. Altaria fixa consecrandi per Sacerdotem.
2. Altaria portatilia consecrandi per Sacerdotem.
3. Altarium consecrationem subdelegandi Pro Episcopo.
4. Altare portatile erigendi sub dio.
5. Altarium consecratorum titulum mutandi.
6. Altarium consecratorum imagines mutandi.
7. Ablutiones in Missa cum sola aqua peragendi.
8. Absolutiones impertiendi in exequiis post Missam lectam.
9. Benedictionum formulas proprias adprobandi.
10. Benedicendi novum Abbatem die feriali.
11. Benedictionem solemnem impertiendi nomine Summi Pontificis.
12. Benedictionem solemnem impertiendi post Missam Pontificalem.
13. Benedictionem solemnem impertiendi extra Missam.

14. Benedictionem eamdem cum dispensatione a lectura Brevis.

15. Barbam deferendi.

16. Basilicae minoris titulum concedendi.

17. Beatorum imagines exponendi.

18. Beatorum reliquias deferendi in solemni processione; servata Instructione R. P. D. Sanctae Fidei Promotoris.

19. Beatis dedicandi altaria.

20. Consecrationem altarium fixorum et portatilium subdelegandi pro Episcopo.

21. Consecrandi Episcopum die feriali.

22. Consecrandi Ecclesiam cum nonnullis dispensationibus.

23. Chori parvi aperiendi in Ecclesiis et Oratoriis.

24. Candelarum numerum reducendi in expositione Ssmi Sacramenti.

25. Dedicationis Anniversarium una eademque die ab omnibus ecclesiis alicuius Dioeceseos, Ordinis, Congregationis, etc. celebrandi.

26. Dispensandi a Missa feriae, vigiliae etc. pro Capitulo.

27. Dispensandi a ieiunio ante consecrationem altarium.

28. Festa Beatorum extendendi ad Dioeceses et Ecclesias.

29. Festorum ritus elevandi ad Duplex maius, 2^{ae} et 1^{ae} classis.

30. Festorum ritus reducendi a dupl. mai., 2ae et 1ae classis ad inferiorem ritum.

31. Habitandi super Ecclesiam.

32. Insignia specialia Episcopis, Canonicis, Parochis, Dignitatibus etc. indulgendi, et throni usum Episcopo coadiutori.

33. Kalendaria particularia concedendi, reformandi etc.

34. Missae Conventualis legendae, vel non.

35. Missas proprias concedendi et adprobandi, iuxta praxim.

36. Missam celebrandi cum nonnullis dispensationibus.

37. Missam celebrandi propriam in quatriduo.

38. Missam celebrandi propriam in octavario.

39. Missam celebrandi in interiori clausurae sacello.

40. Missam celebrandi votivam B. M. V. in Sanctuariis.

41. Missam celebrandi votivam alicuius Sancti in Sanctuariis.

42. Missam celebrandi Rorate durante Sacro Adventu.

43. Missam celebrandi duabus horis ante auroram et post meridiem.

44. Missam celebrandi Feria V. in Coena Dni pro communitate cum communione Paschali.

45. Officii feriae in aliud commutandi.

46. Officii recitationem anticipandi in choro.

47. Officii recitationem anticipandi ante secundam horam pomeridianam pro aliquo ecclesiastico.

48. Officia concedendi, extendendi, vel supprimendi.

49. Patroni eligendi et approbandi.

50. Patroni eligendi et approbandi pro universa classe vel universitate.

51. Purificationis B. M. V. festum transferendi cum benedictione candelarum.

52. Pileolum gestandi et vittas ad vulnus in capite tegendum.

53. Portam Ecclesiae contiguam aperiendi.

54. Processionem in festo Corporis Christi transferendi ad horas pomeridianas.

55. Pontificalium usum concedendi Canonicis etc.

56. Rocheto utendi pro Episcopo Regulari.

57. Ritus et Caeremonias itemque Libros Liturgicos iuxta praxim adprobandi.

58. Ssmum Eucharistiae Sacramentum asservandi ad tempus in Oratorio privato Communicatum et Sanctimonialium.

59. Ssmum Eucharistiae Sacramentum asservandi in Oratorio Episcopi.

60. Ssmum Eucharistiae Sacramentum deferendi in civitate capite tecto, galero vel pileo vel pileolo.

61. Vesperas, sine vel cum Completorio, anticipandi ante meridiem in Choro.

62. Erigenda alia Oratoria praeter principale in domibus religiosis, iuxta decretum 4007 Nivernen.

B. Facultates ordinariae, quae per S. C. R. obtineri possunt

1. Altaris portatilis erigendi ante imagines Beatorum.

2. Abluendi linteamina sacra pro Sanctimonialibus.

3. Benedictionem solemnem Aquae peragendi in Vigilia Epiphaniae.

4. Benedictionum formulas approbatas adhibendi, quae indigent facultate Apostolica.

5. Benedicendi, speciatim, candelas in honorem S. Joseph.

6. Benedicendi cingula in honorem S. Joseph.

7. Benedicendi annulos in honorem S. Joseph.

8. Benedicendi coronas angelicas S. Michaelis.

9. Benedicendi aquam in honorem S. Ignatii Conf.

10. Benedicendi numismata S. Benedicti Abb.

11. Benedicendi omnia scapularia.

12. Benedicendi quatuor scapularia sub unica formula.

13. Benedicendi parvam imaginem, ad instar scapularis, S. Cordis Jesu.

14. Benedicendi nolas.

15. Benedicendi nolas non exclusa aqua.

16. Benedicendi sacras suppellectiles, in quibus sacra unctio non adhibetur.

17. Benedicendi, seu reconciliandi Ecclesias et Coemeteria per Sacerdotem.

18. Benedicendi seu reconciliandi Ecclesias et Coemeteria per Sacerdotem cum aqua a Sacerdote benedicta.

19. Benedictiones Episcopo reservatas, in quibus sacra unctio non adhibetur, subdelegandi pro Episcopo.

20. Benedictionem impertiendi infirmis in honorem S. Annae.

21. Consecrationem calicum, patenarum subdelegandi pro Episcopo.

22. Consecrationem Altarium per formulam brevem privatim perficiendi.

23. Consecrandi Olea sancta minori Ministorum numero.

24. Comam adscisticiam gerendi.

25. Confessionem sacramentalem in privato oratorio peragendi.

26. Dispensandi a recitanda IX Lectione Officii simplificati pro Monialibus.

27. Dispensandi quamcumque ecclesiasticam Communitatem instantem ab adiunctis Officio feriali, nempe a Psalmis poenitentialibus et Gradualibus, necnon ab Officio parvo Beatae Mariae Virginis, et Defunctorum.

28. Festa extendendi ad Dioeceses et Ecclesias.

29. Festorum ritus elevandi ad Dupl. min.

30. Festorum ritus reducendi a duplici minor. ad inferiorem gradum.

31. Functiones hebdomadae maioris peragendi in Oratoriis Sanctimonialium, Religiosorum etc.

32. Functiones supradictas et similes celebrandi, adhibito Memoriali Benedicti XIII., in Ecclesiis et Oratoriis praesertim Sanctimonialium, Religiosorum etc.

33. Imagines detegendi tempore Passionis.

34. Indumentorum usum ex lana vel gossypio confectorum permittendi, donec consummentur.

35. Matutini privatam recitationem anticipandi.

36. Missam celebrandi nocte Nativitatis Domini pro Ora-

toriis privatis et pro Oratoriis Sanctimonialium vel Communitatum.

37. Missas votivas omnes celebrandi pro caecutiente.

38. Missas votivas omnes celebrandi pro caeco.

39. Missas proprias celebrandi in Triduo.

40. Missas proprias celebrandi aliqua die, praesertim pro Sacerdote novensili.

41. Missam propriam celebrandi in Oratorio etiam privato.

42. Missas plures celebrandi in Oratorio privato (ter in anno).

43. Missas plures celebrandi in Oratorio privato, die Titularis.

44. Missas plures celebrandi in Oratorio privato, occasione infirmitatis Indultariorum.

45. Missam celebrandi in mari.

46. Missam celebrandi in carcere.

47. Missam votivam B. M. V. vel alicuius Sancti etc., in Sanctuariis pro Sacerdotibus peregrinis, aut ducibus peregrinorum.

48. Missam votivam Passionis in Hebdomada Maiori.

49. Missam de Requie pluries in hebdomada pro ecclesiis cum cantu.

50. Missam de Requie lectam ad nuncium mortis.

51. Missam una hora ante auroram et post meridiem.

52. Missam Feria V. in Coena Domini pro Sacerdote.

53. Missam cantatam absque Ministris cum thurificatione.

54. Missam solemnem necnon Missas lectas proprias occasione festivitatis extrinsecae alicuius Sancti, vel Beati vel Mysterii iuxta praxim.

55. Missam solemnem de Communi, ubi asservatur Corpus alicuius Sancti Martyris nominis proprii.

56. Missas lectas celebrandi de Communi, ut supra.

57. Officii divini recitandi et Missae peragendae iuxta Kalendarium propriae Religionis pro Regularibus, qui eiusdem Religionis habitu, iusta de causa dimisso, in statu saeculari versantur, usque dum residentiali aliquo Beneficio non provideantur.

58. Officii Divini recitationem commutandi et dispensandi.

59. Officii recitationem anticipandi.

60. Officia transferendi.

61. Oleum sanctum adhibendi ad anno benedictum.

62. Oratorium privatum erigendi tum domi tum ruri, pro Sacerdotibus infirmis.

63. Oratorium, ut supra, cum adimplemento praecepti, exceptis diebus solemnioribus, pro cohabitantibus.

64. Oratorium, ut supra, pro altero Sacerdote, impedito Sacerdote indultario.

65. Oratoria privata erigendi in Coemeteriis tum ad familias tum ad Communitates spectantia.

66. Paramenta caerulei coloris permittendi in Missa de Festo aut votiva Immaculatae Conceptionis Beatae Mariae Virginis pro regno Hispanico et regionibus nunc vel olim eidem subiectis.

67. Ssmum Eucharistiae Sacramentum asservandi sub consuetis clausulis in Ecclesiis non Parochialibus, Oratoriis publicis et semipublicis.

68. Ssmum Eucharistiae Sacramentum asservandi cum dispensatione a quotidiana Missae celebratione, iuxta praxim.

69. Ssmum Sacramentum distribuendi in Oratorio privato, excepto Paschate.

70. Ssmum Sacramentum deferendi, capite tecto galero, pileo, vel pileo, extra civitatem.

71. Ssmum Sacramentum exponendi in forma XL. Horarum, cum dispensatione ab horis nocturnis.

72. Extensiones Officiorum et Missarum propriarum et adprobatarum.

73. Evehendi festa ad ritum duplicem maiorem.

74. Satisfaciendi praecepto audiendi Sacrum in Oratoriis privatis:

a) Pro personis cohabitantibus,

b) Pro hospitibus,

c) Pro consanguinibus et affinibus.

75. Altera Missa in Oratoriis privatis:

a) Pro unico Sacerdote hospite,

b) Sexies per annum.

76. Privatam Matutini cum Laudibus recitationem anticipandi ab hora prima post mer. cum aliqua rationabili causa.

77. Altera Missa in Oratorio privato, quoties Indultarii ad S. Synaxim accedunt.

78. Missa in Oratorio privato solemnioribus diebus.

79. Missa in Oratorio privato diebus festis Assumptionis et S. Patroni.

80. Ut commensales et Coloni satisfacere valeant praecepto Sacri audiendi, Missae adstando in Oratorio privato.

Ex Audientia SSmi, die 7. Septembris 1903.

Praedictae facultates a Ssmo Dno Nostro Pio Papa X. ea lege munitae sunt, qua nec immutari nec augeri, absque Summi Pontificis venia, unquam possint; deque legis ipsius custodia, S. R. C. Secretarii et Substituti conscientia omnino oneretur.

S. Card. Cretoni, *Praefectus.*

L✠S.

✠ D. Panici, Archiep. Laodicen., *Secretarius.*

IV

Decision of the S. Cong. Concilii, December 17, 1904, in the *Iura Stolae.*

LUCANA

Emolumentorum

Iura stolae ad solum parochum, alia vero emolumentorum incerta etiam ad vice-parochum pertinent

Species facti. In civitate Lucana extat pium Opus, vulgo Regii Spedali ed Ospizii di Lucca, ab Administratione laica dependens et variis conflatum hospitalibus et ecclesiis cum propriis cappellanis, quae subsunt iurisdictioni parochi ecclesiae S. Lucae in eodem Instituto primariae. Anno 1898

parocho Raphaeli Cecarini uti vice-parochus deputatus fuit sac. Paulus Fanucchi, qui sibi vindicare coepit ius ad dimidiam partem incertorum parochialium. Verum, renuente parocho, quaestio ab Archiepiscopo remissa fuit cuidam Commissioni consultativae doctiorum sacerdotum Congregazione Sinodale nuncupatae, quae reapse a. 1900 opinamentum vice-parocho favorabile dedit. Cum autem huic iudicio parochus acquiescere detractaret, vice-parochus recursum obtulit ad laicam hospitalium Administrationem, quae 1901 pariter favore recurrentis sententiam tulit. Et quamvis Archiepiscopus dictam Administrationem monuisset, quod decisio Congregationis synodalis erat mere consultativa et hinc causa apud Curiam adhuc pendebat, eadem tamen Administratio resolutionem suam parocho indixit, qui deinde provocavit ad superiorem provinciae Commissionem vulgo Giunta provinciale, necnon ad S. Sedem contra praetensiones vice-parochi et votum Commissionis synodalis.

Interim ab H. S. C., monito prius vice-parocho ut suae conscientiae consuleret ob recursum ad iudices laicos et ne uteretur sententia ab iisdem prolata, impositum fuit litigantibus ut nuntium mitterent prosecutioni actorum civilium et sua iura experirentur apud Curiam Lucanam. At quum huic mandato non paruisset vice-parochus, Commissio provinciae suam sententiam prioribus conformem publicavit, quam vice-parochus parocho indixit. Tandem Curia archiepiscopalis die 25. Maii 1903 suam iudicialem sententiam, parocho faventem, emisit edicendo: "che il curato della chiesa

di S. Luca . . . e nel diritto di percepire e ad esso appartengono tutti gli emolumenti ed incerti dipendenti dal suo officio di parroco da lui esercitato e ad esso inerenti." Contra quam sententiam vice-parochus ad H. S. C. appellavit.

Defensio parochi. Vicarius curatus omnia incerta et emolumenta parochialia alia sibi vindicat ex iure communi, ex consuetudine et ex congruentia.

Quoad primum citat Leurenium (Forum beneficial. part. 1 qu. 463 n. 2), qui ait: "Oblationes de iure communi spectant ad parochum seu presbyterum ecclesiae rectorem"; et in hoc principio admittendo iuxta Bouix (De parocho, part. 4, cap. 9 § 1 q. 2) concordant omnes doctores. Quin imo hoc parochi ius extenditur etiam ad casum, quo ipse alium deleget ad muneris parochialis exercitium, iuxta Bouix (loc. cit.), vel utatur cooperatoribus aut vice-parochis, iuxta Ojetti (Synopsis Rer. Moral. et Jur. Pontif. v Iura stolae). Et ratio est quia, ut ait Reiffenstuel (Ius Can. Univers. lib. 3 tit. 30 § 9 n. 190) parochus tamquam primarius ecclesiae parochialis minister habet intentionem fundatam in iure pro perceptione omnium oblationum, quae obveniunt intra limites suae paroeciae. Atqui rector ecclesiae S. Lucae suam iurisdictionem explicat et omnia munera parochialia ad instar veri parochi exercet super omnibus personis in Instituto degentibus; in Bullis nominationis deputatur "pro exercitio curae animarum dictorum hospitiorum"; in actis S. Visitationis vocatur parochus, et ecclesia S. Lucae nuncupatur paroecia, quae, licet adsit in territorio paroeciae S. Paulini, ab eius tamen iurisdictione exempta extat.

Occurrit deinde ad diluendas nonnullas difficultates, quarum prima est quod haec paroecia destituatur territorio contra dispositionem Conc. Trident. (Sess. 24, cap. 13 de reform.), altera est quod ecclesiae rector beneficio parochiali careat, et tandem quod ipse non sit perpetuus sed amovibilis. Ad primam reponit, quod iuxta Glossam (in Clement., Dudum 2, tit. 7, lib. 3, ad v. Impedant), quam sequuntur doctores omnes, uti videre est penes Bouis (De Parocho, part. 1, sect. 2 cap. 9 § 2), qualitas parochi exoritur ex obligatione tum parochi administrandi sacramenta tum fidelium ab eodem ea recipiendi; designatio vero fidelium non solum fit ratione territorii, sed etiam ratione personarum vel familiarum, uti tradunt Ursaja (Disceptationes Ecclesiast. tom. 8. part. 1, disc. 24), Ferraris (Bibliotheca Canon. v. Parochia n. 17) et alii. Atqui, ait parochus, haec determinatio vel ab ipsa exemptionis Bulla a. 1262 statuitur hisce verbis: "Ipsum hospitale . . . cum toto territorio et totam familiam . . . sub nostra potestate recipimus." Hinc. Conc. Trident. intelligendum est de locis, in quibus haec paroeciarum designatio fieri valeat, quum inibi additur: "aut alio utiliori modo, prout loci qualitas exegerit, provideant (sc. Ordinarii)." Praeterea ad constitutionem paroeciae non est necessaria beneficii assignatio; quia erigi potest ecclesia in parochialem, quin ullum fundatum fuerit in hunc finem beneficium, uti tradunt Bouix (loco citato part. 1, sect. 3, cap. 3 § 2), Fagnanus (Commentaria in quinque libros Decretal. lib. 3 cap. Ad audientiam 3 de ecclesiis aedif. n. 6 et 7). Neque ad constitutionem parochiali-

tatis est de essentia perpetuitas et inamovibilitas rectoris, sicuti docent Bouix (loc. cit. prop. 2), D'Annibale (Summula Theol. Moral. vol. 3, lib. 2, tract. 2, cap. 3 art, 1 n. 470), Berardi (Examen pro Confessariis et Parochis n. 1459).

Sed dato etiam quod in rectore S. Lucae non concurrant omnia extrema ad verum parochum constituendum, saltem haberi deberet tamquam deputatus loco parochi, uni tradunt de sacerdotibus curae animarum praepositis in hospitalibus Bouix (App. 1, cap. 4, q. 1 et 2), Wernz (Ius Decretalium, tom. 2, tit. 39 n. 841) etc.

Gradum faciens deinde parochus ad argumentum consuetudinis, hanc evincit tum ex 22 testium depositionibus fide dignis et nonnullis etiam iuramento firmatis, qui asserunt controversa emolumenta semper a parochis S. Lucae fuisse percepta exclusis vice-parochis, tum ex aliis documentis desumptis a quodam libro inscripto Bacchetta di diversi ricordi per la sagrestia di S. Luca, in quo varia allegantur facta circa memoratam consuetudinem vigentem. Quapropter etiam ex titulo consuetudinis plus quam centenariae parochus sibi vindicare potest dicta incerta iuxta Bouix (loc. cit. part. 4, cap. 9 § 1). Caeterum, quum parochus intentionem in iure fundatam habeat, pro incertis parochialibus, contrariam consuetudinem potius ex adverso probandam esse subdit. Haec autem probata non fuit a vice-parocho, sive quia ex undecim attestationibus contra adductis nonnullae non loquuntur de incertis, aliae vero de emolumentis, quae ipse, dum munere vice-parochi funge-

batur sub parocho Ragghianti, percepit vi remunerationis ob laborem extraordinarium, reliquae sex eliduntur a testibus iam a se allatis.

Demum descendens parochus ad argumentum aequitatis et convenientiae, ait quod propria assignatio nitida est tantum lib. 802, dum illa vice-parochi assurgit ad lib. 749, quibus addendae sunt lib. 240 ab alio hospitio perceptae.

Defensio vice-parochi. Sacerdos Funucchi totus est in refutandis a parocho adductis argumentis. Sane ex adverso statutam theoriam, quod incerta et oblationes ita pertineant ad parochum, ut ab ipsis exclusi maneant omnes alii sacerdotes etiam parochi coadiutores, non respondere contendit iuris canonici sanctionibus. Nam iuxta Reiffenstuel (Ius Can. Univers. lib. 3, tit. 30 n. 179 et 194) oblationes dantur a fidelibus vel in ecclesia vel in territorio paroeciali ad hoc ut cedant in usum ecclesiae vel ipsius ministrorum; quare ipsae parocho proprie non spectant, sed tantum earum administratio seu erogatio in finem a fidelibus intentum, vel iuxta consuetudinem loci. Hinc nonnullae oblationes sunt reservatae imaginibus, ecclesiae, etc.; aliae vero parocho, e. g. pro sacramentis, funeribus aliisque sacris functionibus. Quinimo hae eatenus dicuntur spectare parocho, quatenus ex iure supponitur unicum tantum in ecclesia parochiali ministrum extare; sed alia profecto res esset, si plures haberentur in ea ministri praesertim vice-parochi, quia tunc etiam in ipsorum usum cederant. Ratio est, quia emolumenta dantur tamquam correspectivum stipendium pro labore et impenso exercitio curae animarum; in quo fungendo et

vice-parochi concurrent; ergo et ipsi ad hanc divisionem sunt admittendi, quemadmodum de coetero adest consuetudo in tota dioecesi.

Deinde vice-parochus, transiens ad consuetudinem ex adverso allatam, sustinet imprimis parochum Ceccarini, dum erat vice-parochus sub curato Ragghianti incerta consecutum fuisse non ex quadam compensatione sed ratione iustitiae, uti duo deponunt testes et uti apparet etiam ex eo quod parochus Ragghianti, exceptis postremis vitae mensibus, maxima diligentia proprio officio semper vacavit. Praeterea attestationes contrarias reiicit aut parvipendet tamquam suspectas, vel incertas vel saltem inutiles; argumenta vero deprompta ex libro, cui titulus Bacchetta etc., uti inconcludentia habet, quia ostendunt tantum quod parochi S. Lucae percipiebant incerta, non autem quod cum vice-parochis non dividebant. E contra, prosequitur ipse, testes a se adductos de incertorum divisione clare loquuntur; eosque singillatim enumerat. Igitur in liquido posita existentia huius consuetudinis petit, ut haec recognoscatur et sanciatur, quia "de primo ad ultimum in materia oblationum attendenda est legitima locorum consuetudo," uti docet Ferraris (Biblioth. Canon. v. Oblationes, n. 31) citans Rotam (part 5, tim. 1 dec. 37 n. 13 Recent.) et Barbosa (De Parocho, part. 3, cap. 24 n. 31).

Tandem sustinet rectorem S. Lucae non esse verum parochum in sensu iuridico, sed merum deputatum ad nonnullas functiones parochiales, tum quia exemptio hospitalium a iurisdictione parochi non aequivalet creationi novae

paroeciae, tum quia eidem deest autonomia et perpetuitas, quae requiritur ad verum parochum constituendum, quum nominetur et dependeat a praeside hospitii et ab eo ad nutum amoveri possit.

Dubium. An sententia Curiae archiepiscopalis Lucanae diei 25. Maii 1903 sit confirmanda vel infirmanda in casu?

Resolutio. S. Congr. Concilii, re mature perpensa, die 17. Decembris 1904 rescribendum mandavit:

SENTENTIAM ESSE CONFIRMANDAM TAXATIVE QUOAD IURA STOLAE

Colliges

1. Oblationes omnes, quae intra limites paroeciae a fidelibus intuitu religionis fiunt ut in usum ecclesiae vel ministrorum cedant, de iure communi ad parochum pertinent; nisi aliter constet ex consuetudine aut offerentium voluntate.

2. Praeter huiusmodi spontaneas et liberas oblationes, quas fideles ultro faciunt, recensentur et oblationes debitae nuncupatae, quas fideles tenentur sacerdotibus tradere intuitu sacri ministerii, quaeque emolumenta parochialia vocantur.

3. Haec autem emolumenta dividuntur in stricte vel late parochialia. Incerta stricte parochialia seu iura stolae sunt quae pro baptismis, proclamationibus, matrimoniis, sepulturis, testimonialibus, etc. exiguntur; quaeque ad solum parochum regulariter spectant. Incerta late parochialia seu

mere sacerdotalia, quae dentur pro aliis sacris functionibus, e. g. novenariis, funeralibus, etc., ad ceteros quoque presbyteros praesertim parochi coadiutores pertinere possunt.

4. Verus et proprius parochus est qui curam animarum sibi commissarum nomine proprio gerit; unde de essentia parochialitatis non censentur perpetuitas et inamovibilitas.

5. In casu rector ecclesiae S. Lucae uti parochus vel saltem ad instar parochi merito est habendus; hinc ipsi soli competunt iura stolae, alia vero incerta etiam vice-parocho.

V

DECISION OF THE S. CONGR. EPP. ET REGG. OF MAY 13, 1904, ON THE REMOVAL OF A PASTOR BY THE EPISCOPAL ADMINISTRATION.

BAMBERGEN

Translationis

Confirmatur remotio oeconomica cuiusdam parochi eiusque translatio ad aliud beneficium

Ioannes N . . . a. 1897 renuntiatus est parochus cuiusdam loci in dioecesi Herbipolensi, sed anno insequenti cum autoritatibus civilibus gravia habere coepit dissidia; quae in dies magis excreverunt hac etiam de causa quod, iuxta Bavariae leges, parochiali muneri officium est adnexum regendi et inspiciendi Gubernii nomine et mandato publicas scholas. Res itaque eo processerunt ut Ordinarius dioecesanus pluries parochum graviter admonere debuerit, eique pariter decreto praesertim 29. Febr. 1901 renuntiationem

paroeciae et optionem ad simplex beneficium imposuerit. At parochus, nihili faciens episcopale decretum, graviores quoque dissensiones cum civili potestate imprudenter fovit. Quare Episcopus iterum decreto 15. Martii 1901 praescriptam translationem parocho intra tres dies sub poena remotionis a paroecia implendam iussit; addita insuper prima monitione canonica ob neglectum praeceptum petendi aliud beneficium.

A quo decreto parochus Ioannes N . . . ad Archiepiscopum Bambergensem appellavit, qui tamen die 31. Octobris 1901 sententiam Episcopi Herbinpolensis plene confirmavit. Tunc parochus, posthabito iure provocandi in tertia instantia apud tertium Bavariae Episcopum a Nuntio Apostolico eligendum vi privelegii a Pio IX. Brevi. Nemo ignorat concessi, supremo Sedis Apostolicae iudicio sistere malut.

Allegationes Parochi. Ipse contendit iniuste canonicam monitionem ab Ordinario sibi inflictam esse; in decreto enim 29 Febr. 1901 nullum praeceptum sed merum Episcopi desiderium quoad paroeciae renuntiationem continebatur. Hinc, quum nemo teneatur propriis iuribus valedicere ad votum superioris implendum, parochiali beneficio non abdicavit; eo vel magis quod Episcopus in suo decreto nullam suae decisionis rationem attulerit. Praeterea addit contra canonicas sanctiones et praecipue contra Conc. Trident. (Sess. 21, c. 6 de Reform.) militare impositam sibi a paroecia amotionem; enimvero Episcopus veram rerum cognitionem non habuit, nec habere voluit, quum et testes audire

et inquisitionem peragere neglexisset. Ceterum dissidium cum laica auctoritate, de quo ipsa tantum est iudex competens, non est ratio sufficiens pro parocho inamovibili destituendo.

Allegationes Archiepiscopi. Ex adverso Bambergensis Archiepiscopus animadvertit Episcopum Herbipolensem sive in procedendo sive in iudicando non errasse. Non erravit in procedendo: tum quia Episcopus est incompetens in dissidiis parochum tamquam Inspectorem scholasticum inter et civiles magistratus exortis iudicandis, quod ad Gubernium pertinet; tum quia accusationes adversus parochum prolatae per ipsius rei confessionem perque publicam notorietatem satis in propatulo erant, quin opus esset testes audiendi atque inquisitionem instituendi. Sed neque Episcopus erravit in iudicando: sive quia parochus morali impossibilitate detinebatur absque gravi fidelium scandalo fungendi munere parochiali ob notissima dissidia, sive quit in potestate Ordinarii est monitione canonica validi rescripti, quod in rem iudicatam transierit, adimplementum urgere.

Dubium. An et quomodo confirmandum sit decretum Archiepiscopi Bambergensis in casu?

Resolutio. S. Congregatio EE. et RR. die 13. Maii 1904 omnibus perpensis rescripsit: Decretum esse confirmandum.

Colliges

1. Ad iuris tramitem parochus sive amovibilis sive inamovibilis dupliciter a propria paroecia amoveri potest, vel per privationem vel per oeconomicam remotionem.

2. Et imprimis privatio beneficii aut ipso iure aut iudicis sententia incurritur.

3. Parochus inamovibilis beneficio privari nequit nisi ex causa canonica et quidem notoria, atque servato iuris ordine; attamen parochus amovibilis beneficio spoliari potest qualibet de causa dummodo sit legitima et iusta.

4. Quando, relate ad parochos inamovibiles, causa vere canonica non habetur pro beneficii privatione, aut iudicialis processus saltem summarius confici nequit, tunc in subsidium venit remotio oeconomica, quae duplex est, temporanea et perpetua. Remotio ad tempus fit per coadiutoris dationem; remotio in perpetuum fit dupliciter, per translationem parochi ad aliud beneficium quamvis simplex, vel per congruae pensionis assignationem.

5. Causae remotionis oeconomicae a paroecia ad duas tantum reduci possunt, nempe vel ad inidoneitatem parochi ad parochiam salutariter regendam, vel ad odium plebis.

6. Etiam gravia et continua dissidia, ob parochi culpam inter ipsum et civilem auctoritatem exorta, quae in notabile animarum detrimentum vergant, reddere valent parochum minus idoneum ad officia parochialia saltem in eodem loco ulterius praestanda.

7. In themate autem gravissima et irreconciliabilia dissidia parochi cum civilibus magistratibus, subsequuta eiusdem destitutio a munere Inspectoris scholastici, necnon populi scandalum sunt rationes sufficientes pro translatione parochi ad aliud beneficium decernenda.

Literature: Card. Gennari, *Sulla privazione del beneficio ecclesiastico.* Ed. 2d. Appendix, pp. 215-242: *Della rimozione economica, dal beneficio. Acta S. Sedis* XXXVIII, 27, published as *Causa novissima* the *Causa Albae Pompeien,* of February 25, 1895.

VI

Motu Proprio of Pius X, of May 8, 1905, inviting the separate communities of the Ursuline Nuns to join the union of their order.

Apostolicae Sedi id semper in votis fuit, ut religiosa Instituta, nominatim ea quae inventuti imbuendae dant operam, sese mutatis temporum et rerum adiunctis, immutato manente spiritu, congruenter aptare studerent. Quod si opportunum hoc fuit quolibet tempore, aetate hac nostra esse necessarium res ipsae plane demonstrant.

Quamobrem, quum Decessor Noster f. r. Leo XIII. compertum perspectumque haberet, Ursulinarum Ordinem, cui vel illud praecipuae laudi vertendum quod nobile munus instituendi adolescentulas maturrime suscepit, novis rerum necessitatibus non perfecte nec ex omni parte respondere, eo praesertim quod monasteria quibus coalescit, quum sui quaeque iuris essent, nec se invicem adiuvare et praesidio esse, nec mutua virtutis aemulatione ad meliora et maiora se excitare valerent; idcirco huic rerum conditioni opportuna atque salutaria afferenda censuit remedia. Et re quidem vera a cunctis Ursulinarum domibus, ubique terrarum existentibus, litteris die 21. Iulii 1899 datis, exquiri mandavit num scilicet Instituto universas domos complectenti habentique sedem principem in Urbe, si quando per auctori-

tatem S. Sedis exurgeret, libenter accederent; et quum supra sexaginta ex illis sese id libentissime velle respondissent, idem Pontifex primum pro temporum natura vivae vocis oraculo die 28. Novembris 1900, deinceps per decretum a Sacra Congregatione Episcoporum et Regularium die 17. Iulii 1903 editum, praedictam Unionem adprobavit.

Quod ad Nos attinet, iam a primordiis pontificatus Nostri dicti Instituti Constitutiones, item per decretum a S. Congregatione Episcoporum et Regularium die 14. Septembris 1903 datum, ratas habuimus; nec ullam praetermisimus occasionem singularem, qua illud prosequimur, benevolentiam Nostram testificandi, laetissimo etiam cernentes animo alias atqua alias domos paullatim ad illud convenire.

Nunc vero, quum uberes fructus, quos Ursulinarum coniunctio peperit, per Nos Ipsos perspexerimus, quumque uberiores, quos in futurum est paritura, prospiciamus; Nos non solum unionem hanc feliciter initam, sed et Constitutiones eidem Instituto datas, auctoritate Nostra iterum plenissime adprobamus, et confirmamus, illisque perpetuae et inviolabilis Apostolicae firmitatis robur adiicimus.

Volentes insuper specialibus favoribus dictum Ursulinarum Institutum augere, omnibus et singulis eiusdem Instituti Sodalibus redeunte anniversaria die, qua Ursulinarum unio ab Apostolica Sede adprobata fuit, videlicet die 28. Novembris, in perpetuum plenariam omnium peccatorum suorum indulgentiam et remissionem misericorditer in Domino impertimus. Quam indulgentiam etiam animabus fidelium Purgatorio detentis per modum suffragii applicari posse concedimus.

Ex his sponte elucet quantum Nos optemus, ut Institutum tam fauste incoeptum, aucto in dies adhaerentium numero, in maius provehatur, latiusque pateat. Quapropter vehementer adhortamur illas quae adhuc extra Institutum versantur, familias, ut sese eidem adsciscere velint. Neque dubitamus quin Venerabiles Fratres Nostri Episcopi, in quorum dioecesibus huiusmodi Ursulinarum domus existunt, non solum earumdem votis obsecundent, verum etiam cunctantes, si quae fuerint, ad optatam consociationem suaviter flectant, persuasum plane habentes quod dicti Instituti Constitutiones ita sint concinnatae ut quarumlibet nationum consuetudinibus atque indoli aptissime congruant.

Volumus autem ut praesentes Litterae ad singulos, de quibus supra, Episcopos mittantur, eorumque cura, in linguam vernaculam ad verbum diligenter versae, in qualibet Ursulinarum domo, speciali ad id indicto conventu, legantur. Haec ad maius Ursulinarum Instituti bonum atque incrementum edicimus, contrariis quibuscumque non obstantibus.

Datum Romae apud S. Petrum, die VIII. Maii nn. MDCCCCV, Pontificatus Nostri secundo.

PIVS PP. X.

VII

Motu Proprio of Pius X, of March 19, 1904, on the Codification of the Canon Law.

Arduum sane munus universae Ecclesiae regendae ubi

primum, arcano divinae Providentiae consilio, suscepimus, praecipua Nobis mens fuit et quasi lex constituta, quantum sinerent vires, instaurare omnia in Christo. Hanc voluntatem vel primis encyclicis Litteris ad catholici orbis Antistites datis patefecimus; ad hanc veluti metam omnes animi Nostri vires hactenus intendimus; huic principio coepta Nostra conformanda curavimus. Probe atem intelligentes ad instaurationem in Christo ecclesiasticam disciplinam conferre maxime, qua recte ordinata et florente uberrimi fructus deesse non possunt, ad ipsam singulari quadam sollicitudine studia Nostra animumque convertimus.

Equidem Apostolica Sedes sive in oecumenicis Conciliis sive extra Concilia nunquam intermisit ecclesiasticam disciplinam optimis legibus instruere pro variis temporum condicionibus hominumque necessitatibus. At leges, vel sapientissimae, si dispersae maneant, facile ignorantur ab iis, qui eisdem obstringuntur, nec proinde, uti par est, in usum deduci possunt. Hoc ut incommodum vitaretur, atque ita ecclesiasticae disciplinae melius consultum esset, variae sacrorum Canonum Collectiones confectae sunt. Antiquiores praetereuntes, commemorandum heic ducimus Gratianum, qui celebri Decreto voluit sacros canones non modo in unum colligere, sed inter se conciliare atque componere. Post ipsum Innocentius III., Honorius III., Gregorius IX., Bonifacius VIII., Clemens V., cum Ioanne XXII., Decessores Nostri, Iustinianeum opus imitati pro Iure romano, Collectiones authenticas Decretalium confece-

runt ac promulgarunt, quibus postremis tribus cum Gratiani Decreto vel hodie corpus quod dicitur iuris canonici praesertim coalscit. Quod quum Tridentina Synodus et novarum legum promulgatio impar reddiderint, Pontifices Romani Gregorius XIII., Xystus V., Clemens VIII., Benedictus XIV., animum adiecerunt sive adornandis novis corporis iuris canonici editionibus, sive aliis sacrorum canonum Collectionibus parandis; quibus novissime Collectiones authenticae decretorum accesserunt sacrarum quarundam Congregationum Romanarum.

Verum per haec si quid allatum est quo pro temporum adiunctis difficultates minuerentur, rei tamen haud satis prospicitur. Ipsa namque Collectionum congeries non levem difficultatem parit; saeculorum decursu leges prodiere quamplurimae, in multa congestae volumina; non paucae, suis olim aptae temporibus, aut abrogatae sunt aut obsoleverunt; denique nonnullae, ob immutata temporum adiuncta, aut difficiles ad exequendum evaserunt, aut communi animorum bono minus utiles.

His incommodis pro nonnullis iuris partibus quae urgentioris erant necessitatis, occurrere curarunt ex Decessoribus Nostris praecipue Pius IX. et Leo XIII. sa. me., quorum alter per Constitutionem Apostolicae Sedis censuras coarctavit latae sententiae, alter legis de publicatione ac censura librorum temperavit per Constitutionem Officiorum et munerum; et normas constituit Congregationibus religiosis cum votis simplicibus per Constitutionem Conditae a Christo. At illustres Ecclesiae Praesules, iique non pauci etiam

e S. R. E. Cardinalibus, magnopere flagitarunt ut universae Ecclesiae leges, ad haec usque tempora editae, lucido ordine digestae, in unum colligerentur, amotis inde quae abrogatae essent aut obsoletae, aliis, ubi opus fuerit, ad nostrorum temporum conditionem propius aptatis; quod idem plures in Vaticano Concilio Antistites postularunt.

Haec Nos iusta sane vota probantes ac libenter excipientes, consilium cepimus eadem in rem tandem deducendi. Cuius quidem coepti quia Nos minime fugit quanta sit amplitudo et moles, idcirco motu proprio, certa scientia et matura deliberatione decernimus et perficienda mandamus quae sequuntur.

I. Consilium, sive, ut aiunt Commissionem Pontificiam constituimus, quam penes erit totius negotii moderatio et cura, eaque constabit ex nonnullis S. R. E. Cardinalibus, a Pontifice nominatim designandis.

II. Huic Consilio ipse Pontifex praeerit, et Pontifice absente, Cardinalis decanus inter adstantes.

III. Erunt praeterea iusto numero Consultores, quos Patres Cardinales e viris canonici iuris ac theologiae peritissimis eligent, Pontifice probante.

IV. Volumus autem universum episcopatum, iuxta normas opportune tradendas, in gravissimum hoc opus conspirare atque concurrere.

V. Ubi fuerit constituta ratio in huiusmodi studio sectanda, Consultores materiam parabunt suamque de ipsa sententiam in conventibus edent, praeside illo, cui Pontifex mandaverit Consilii Cardinalium esse ab actis. In eorum

deinde studia et sententias PP. Cardinales matura deliberatione inquirent. Omnia denique ad Pontificem deferantur, legitima approbatione munienda.

Quae per has Litteras a Nobis decreta sunt ea rata et firma volumus, contrariis quibusvis etiam speciali aut specialissima mentione dignis minime obstantibus.

Datum Romae apud S. Petrum XIV. Cal. April. die festo S. Josephi, Sponsi B. M. V., MDCCCCIV Pontificatus Nostri anno primo.

PIVS PP. X.

Literature: Pezzani, *Pensieri sulla Codificazione del Diritto Canonico.* Roma 1904. (Estratto dal *"Consulente Ecclesiastico."*) Ruffini, *La codificazione del diritto ecclesiastico.* (*Studi di diritto, pupl. in onore di V. Scioloia*). Milano 1905. Boudinhon, *De la codificazione du droit canonique. Canoniste contemporain* 1904 pp. 641-650; 1905 pp. 18-24, 76-84, 139-150, 207-215, 473-482, 563-568. Rossi, *La codificazione del diritto canonico.* Pavia 1905. Hilling, *Zur Kodifikation des Kirchlichen Rechts.* (In *Katholischer Seelsorger,* 1904.)

VIII

Decree of the Pontifical Commission De Re Biblica, of May 29, 1907, on the Authorship and Content of the Fourth Gospel.

Propositis sequentibus dubiis Commissio Pontifica "de Re Biblica" sequenti modo respondit:

Dubium. I.—Utrum ex constanti, universali ac solemni Ecclesiae traditione iam a saeculo 11 decurrente, prout maxime eruitur; (*a*) ex SS. Patrum, scriptorum ecclesiasticorum,

imo etiam haereticorum, testimoniis et allusionibus, quae, cum ab Apostolorum discipulis vel primis successoribus derivasse oportuerit, necessario nexu cum ipsa libri origine cohaerent; (*b*) ex recepto semper et ubique nomine auctoris quarti Evangelii in canone et catalogis sacrorum Librorum; (*c*) ex eorumdem Librorum vetustissimis manuscriptis codicibus et in varia idiomata versionibus; (*d*) ex publico usu liturgico inde ab Ecclesiae primordiis toto orbe obtinente; praescindendo ab argumento theologico, tam solido argumento historico demonstretur Ioannem Apostolum et non alium quarti Evangelii auctorem esse agnoscendum, ut rationes a criticis in oppositum adductae hanc traditionem nullatenus infirment?

Resp.—Affirmative.

Dubium II.—Utrum etiam rationes internae quae eruuntur ex textu quarti Evangelii seiunctim considerato, ex scribentis testimonio et Evangelii ipsius cum I. Epistola Ioannis Apostoli manifesta cognatione, censendae sint confirmare traditionem quae eidem Apostolo quartum Evangelium indubitanter attribuit?—Et utrum difficultates quae ex collatione ipsius Evangelii cum aliis tribus desumuntur, habita prae oculis diversitate temporis, scopi et auditorum pro quibus vel contra quos auctor scripsit solvi rationabiliter possint, prout SS. Patres et exegetae catholici passim praestiterunt?

Resp.—Affirmative ad utramque partem.

Dubium III.—Utrum, non obstante praxi quae a primis temporibus in universa Ecclesia constantissime viguit, ar-

guendi ex quarto Evangelio tamquam ex documento proprie historico, considerata nihilominus indole peculiari eiusdem Evangelii, et intentione auctoris manifesta illustrandi et vindicandi Christi divinitatem ex ipsis factis et sermonibus Domini, dici possit facta narrata in quarto Evangelio esse totaliter vel ex parte conficta ad hoc ut sint allegoriae vel symbola doctrinalia, sermones vero Domini non proprie et vere esse ipsius Domini sermones, sed compositiones theologicas scriptoris, licet in ore Domini positas?

Resp.—Negative.

Die autem 29 Maii ann. 1907, in Audientia ambobus Rmis Consultoribus ad Actis benigne concessa, Sanctissimus praedicta Responsa rata habuit ac publici iuris fieri mandavit.

Fulcranus Vigouroux, P.S.S.
Laurentius Janssens, O.S.B.
Consultores ab Actis.

IX

Syllabus of Errors Condemned by the S. Congr. of the Inquisition, July 3, 1907.

SACRAE ROMANAE ET UNIVERSALIS INQUISITIONIS

DECRETUM

Feria IV, die 3 Iulii 1907.

Lamentabili sane exitu aetas nostra freni impatiens in rerum summis rationibus indagandis ita nova non raro sequitur ut, dimissa humani generis quasi haereditate, in

errores incidat gravissimos. Qui errores longe erunt perniciosiores, si de disciplinis agitur sacris, si de Sacra Scriptura interpretanda, si de fidei praecipuis mysteriis. Dolendum autem vehementer inveniri etiam inter catholicos non ita paucos scriptores qui, praetergressi fines a patribus ac ab ipsa Sancta Ecclesia statutos, altioris intelligentiae specie et historicae considerationis nomine, eum dogmatum progressum quaerunt qui, reipsa, eorum corruptela est.

Ne vero huius generis errores, qui quotidie inter fideles sparguntur, in eorum animis radices figant ac fidei sinceritatem corrumpant, placuit SSmo D. N. Pio divina providentia Pp. X ut per hoc Sacrae Romanae et Universalis Inquisitionis officium ii qui inter eos praecipui essent, notarentur et reprobarentur.

Quare, instituto diligentissimo examine, praehabitoque RR. DD. Consultorum voto, Emi ac Rmi Dni Cardinales, in rebus fidei et morum Inquisitores Generales, propositiones quae sequuntur reprobandas ac proscribendas esse iudicarunt, prouti hoc generali Decreto reprobantur ac proscribuntur:

1. Ecclesiastica lex quae praescribit subiicere praeviae censurae libros Divinas respicientes Scripturas, ad cultores critices aut exegeseos scientificae librorum Veteris et Novi Testamenti non extenditur.

2. Ecclesiae interpretatio Sacrorum Librorum non est quidem spernenda, subiacet tamen accuratiori exegetarum iudicio et correctioni.

3. Ex iudiciis et censuris ecclesiasticis contra liberam et

cultiorem exegesim latis colligi potest fidem ab Ecclesia propositam contradicere historiae, et dogmata catholica cum verioribus christianae religionis originibus componi reipsa non posse.

4. Magisterium Ecclesiae ne per dogmaticas quidem definitiones genuinum Sacrarum Scripturarum sensum determinare potest.

5. Quum in deposito fidei veritates tantum revelatae contineantur, nullo sub respectu ad Ecclesiam pertinet iudicium ferre de assertionibus disciplinarum humanarum.

6. In definiendis veritatibus ita collaborant discens et docens Ecclesia, ut docenti Ecclesiae nihil supersit nisi communes discentis opinationes sancire.

7. Ecclesia, cum proscribit errores, nequit a fidelibus exigere ullum internum assensum, quo iudicia a se edita complectantur.

8. Ab omni culpa immunes existimandi sunt qui reprobationes a Sacra Congregatione Indicis aliisve Sacris Romanis Congregationibus latas nihili pendunt.

9. Nimiam simplicitatem aut ignorantiam prae se ferunt qui Deum credunt vere esse Scripturae Sacrae auctorem.

10. Inspiratio librorum Veteris Testamenti in eo constitit quod scriptores israelitae religiosas doctrinas sub peculiari quodam aspectu, gentibus parum noto aut ignoto, tradiderunt.

11. Inspiratio divina non ita ad totam Scripturam, Sacram extenditur, ut omnes et singulas eius partes ab omni errore praemuniat.

12. Exegeta, si velit utiliter studiis biblicis incumbere, in primis quamlibet praeconceptam opinionem de supernaturali origine Scripturae Sacrae seponere debet, eamque non aliter interpretari quam cetera documenta mere humana.

13. Parabolas evangelicas ipsimet Evangelistae ac christiani secundae et tertiae generationis artificiose digesserunt, atque ita rationem dederunt exigui fructus praedicationis Christi apud iudaeos.

14. In pluribus narrationibus non tam quae vera sunt Evangelistae retulerunt, quam quae lectoribus, etsi falsa, censuerunt magis proficua.

15. Evangelia usque ad definitum constitutumque canonem continuis additionibus et correctionibus aucta fuerunt; in ipsis proinde doctrinae Christi non remansit nisi tenue et incertum vestigium.

16. Narrationes Ioannis non sunt proprie historia, sed mystica Evangelii contemplatio; sermones, in eius evangelio contenti, sunt meditationes theologicae circa mysterium salutis historica veritate destitutae.

17. Quartum Evangelium miracula exaggeravit non tantum ut extraordinaria magis apparent, sed etiam ut aptiora fierent ad significandum opus et gloriam Verbi Incarnati.

18. Ioannes sibi vindicat quidem rationem testis de Christo; re tamen vera non est nisi eximius testis vitae christianae, seu vitae Christi in Ecclesia, exeunte primo saeculo.

19. Heterodoxi exegetae fidelius expresserunt sensum verum Scripturarum quam exegetae catholici.

20. Revelatio nihil aliud esse potuit quam acquisita ab homine suae ad Deum relationis conscientia.

21. Revelatio, obiectum, fidei catholicae constituens, non fuit cum Apostolis completa.

22. Dogmata quae Ecclesia perhibet tamquam revelata, non sunt veritates e coelo delapsae, sed sunt interpretatio quaedam factorum religiosorum quam humana mens laborioso conatu sibi comparavit.

23. Existere potest et reipsa existit oppositio inter facta quae in Sacra Scriptura narrantur eisque innixa Ecclesiae dogmata; ita ut criticus tamquam falsa reiicere possit facta quae Ecclesia tamquam certissima credit.

24. Reprobandus non est exegeta qui praemissas adstruit, ex quibus sequitur dogmata historice falsa aut dubia esse, dummodo dogmata ipsa directe non neget.

25. Assensus fidei ultimo innititur in congerie probabilitatum.

26. Dogmata fidei retinenda sunt tantummodo iuxta sensum practicum, idest tanquam norma praeceptiva agendi, non vero tanquam norma credendi.

27. Divinitas Iesu Christi ex Evangeliis non probatur; sed est dogma quod conscientia christiana e notione Messiae deduxit.

28. Iesus, quum ministerium suum exercebat, non in eum finem loquebatur ut doceret se esse Messiam, neque eius miracula eo spectabant ut id demonstraret.

29. Concedere licet Christum quem exhibet historia, multo inferiorem esse Christo qui est obiectum fidei.

30. In omnibus textibus evangelicis nomen *Filius Dei* aequivalet tantum nomini *Messias,* minime vero significat Christum esse verum et naturalem Dei Filium.

31. Doctrina de Christo quam tradunt Paulus, Ioannes et Concilia Nicaenum, Ephesinum, Chalcedonense, non est ea quam Iesus docuit, sed quam de Iesu concepit conscientia christiana.

32. Conciliari nequit sensus naturalis textuum evangelicorum cum eo quod nostri theologi docent de conscientia et scientia infallibili Iesu Christi.

33. Evidens est cuique qui praeconceptis non ducitur opinionibus, Iesum aut errorem de proximo messianico adventu fuisse professum, aut maiorem partem ipsius doctrinae in Evangeliis Synopticis contentae authenticitate carere.

34. Criticus nequit asserere Christo scientiam nullo circumscriptam limite nisi facta hypothesi, quae historice haud concipi potest quaeque sensui morali repugnat, nempe Christum uti hominem habuisse scientiam Dei et nihilominus noluisse notitiam tot rerum communicare cum discipulis ac posteritate.

35. Christus non semper habuit conscientiam suae dignitatis messianicae.

36. Resurrectio Salvatoris non est proprie factum ordinis historici, sed factum ordinis mere supernaturalis nec demonstratum nec demonstrabile, quod conscientia christiana sensim ex aliis derivavit.

37. Fides in resurrectionem Christi ab initio fuit non tam

de facto ipso resurrectionis, quam de vita Christi immortali apud Deum.

38. Doctrina de morte piaculari Christi non est evangelica sed tantum paulina.

39. Opiniones de origine sacramentorum, quibus Patres Tridentini imbuti erant quaeque in eorum canones dogmaticos procul dubio influxum habuerunt, longe distant ab iis quae nunc penes historicos rei christianae indagatores merito obtinent.

40. Sacramenta ortum habuerunt ex eo quod Apostoli eorumque successores ideam aliquam et intentionem Christi, suadentibus et moventibus circumstantiis et eventibus, interpretati sunt.

41. Sacramenta eo tantum spectant ut in mentem hominis revocent praesentiam Creatoris semper beneficam.

42. Communitas christiana necessitatem baptismi induxit, adoptans illum tamquam ritum necessarium, eique professionis christianae obligationes adnectens.

43. Usus conferendi baptismum infantibus evolutio fuit disciplinaris, quae una ex causis extitit ut sacramentum resolveretur in duo, in baptismum scilicet et poenitentiam.

44. Nihil probat ritum sacramenti confirmationis usurpatam fuisse ab Apostolis: formalis autem distinctio duorum sacramentorum, baptismi scilicet et confirmationis, haud spectat ad historiam christianismi primitivi.

45. Non omnia, quae narrat Paulus de institutione Eucharistiae (I Cor. xi, 23-25), historice sunt sumenda.

46. Non adfuit in primitiva Ecclesia conceptus de chris-

tiano peccatore auctoritate Ecclesiae reconciliatio; sed Ecclesia nonnisi admodum lente huiusmodi conceptui assuevit. Imo etiam postquam poenitentia tanquam Ecclesiae institutio agnita fuit, non appellabatur sacramenti nomine, eo quod haberetur uti sacramentum probrosum.

47. Verba Domini: *Accipite Spiritum Sanctum; quorum remiseritis peccata, remittuntur eis, et quorum retinueritis, retenta sunt* (Io. xx, 22 et 23) minime referuntur ad sacramentum poentientiae, quidquid Patribus Tridentinis asserere placuit.

48. Iacobus in sua epistola (v. 14 et 15) non intendit promulgare aliquod sacramentum Christi, sed commendare pium aliquem morem, et si in hoc more forte cernit medium aliquod gratiae, id non accipit eo rigore, quo acceperunt theologi qui notionem et numerum sacramentorum statuerunt.

49. Coena christiana paullatim indolem actionis liturgicae assumente, hi, qui Coenae praeesse consueverant, characterem sacerdotalem acquisiverunt.

50. Seniores qui in christianorum coetibus invigilandi munere fungebantur, instituti sunt ab Apostolis presbyteri aut episcopi ad providendum necessariae crescentium communitatum ordinationi, non proprie ad perpetuandam missionem et potestatem Apostolicam.

51. Matrimonium non potuit evadere sacramentum novae legis nisi serius in Ecclesia; siquidem ut matrimonium pro sacramento haberetur necesse erat ut praecederet plena doctrinae de gratia et sacramentis theologica explicatio.

52. Alienum fuit a mente Christi Ecclesiam constituere veluti societatem super terram per longam saeculorum seriem duraturam; quin imo in mente Christi regnum coeli una cum fine mundi iamiam adventurum erat.

53. Constitutio organica Ecclesiae non est immutabilis; sed societas christiana perpetuae evolutioni aeque ac societas humana est obnoxia.

54. Dogmata, sacramenta, hierarchia, tum quod ad notionem tum quod ad realitatem attinet, non sunt nisi intelligentiae christianae interpretationes evolutionesque quae exiguum germen in Evangelio latens externis incrementis auxerunt perfeceruntque.

55. Simon Petrus ne suspicatus quidem unquam est sibi a Christo demandatum esse primatum in Ecclesia.

56. Ecclesia Romana non ex divinae providentiae ordinatione, sed ex mere politicis conditionibus caput omnium Ecclesiarum effecta est.

57. Ecclesia sese praebet scientiarum naturalium et theologicarum progressibus infensam.

58. Veritas non est immutabilis plusquam ipse homo, quippe quae cum ipso, in ispo et per ipsum evolvitur.

59. Christus determinatum doctrinae corpus omnibus temporibus cunctisque hominibus applicabile non docuit, sed potius inchoavit motum quemdam religiosum diversis temporibus ac locis adaptatum vel adaptandum.

60. Doctrina christiana in suis exordiis fuit iudaica, sed facta est per successivas evolutiones primum paulina, tum ioannica, demum hellenica et universalis.

61. Dici potest absque paradoxo nullum Scripturae caput, a primo Genesis ad postremum Apocalypsis, continere doctrinam prorsus identicam illi quam super eadam re tradit Ecclesia, et idcirco nullum Scripturae caput habere eumdem sensum pro critico ac pro theologo.

62. Praecipui articuli Symboli Apostolici non eamdem pro christianis primorum temporum significationem habebant quam habent pro christianis nostri temporis.

63. Ecclesia sese praebet imparem ethicae evangelicae efficaciter tuendae, quia obstinate adhaeret immutabilibus doctrinis quae cum hodiernis progressibus componi nequeunt.

64. Progressus scientiarum postulat ut reformentur conceptus doctrinae christianae de Deo, de Creatione, de Revelatione, de Persona Verbi Incarnati, de Redemptione.

65. Catholicismus hodiernus cum vera scientia componi nequit nisi transformetur in quemdam christianismum non dogmaticum, id est in protestantismum latum et liberalem.

Sequenti vero feria V die 4 eiusdem mensis et anni, facta de his omnibus SSmo D. N. Pio Pp. X accurata relatione, Sanctitas Sua Decretum Emorum Patrum adprobavit et confirmavit, ac omnes et singulas supra recensitas propositiones ceu reprobatas ac proscriptas ab omnibus haberi mandavit.

Petrus Palombelli.
S. R. U. I. Notarius.

(*Translation*)*

DECREE OF THE HOLY ROMAN AND UNIVERSAL INQUISITION. WEDNESDAY, JULY 3, 1907.

With truly lamentable results, our age, intolerant of all check in its investigations of the ultimate causes of things, not unfrequently follows what is new in such a way as to reject the legacy, as it were, of the human race, and thus fall into the most grievous errors. These errors will be all the more pernicious when they affect sacred disciplines, the interpretation of the Sacred Scripture, the principal mysteries of the faith. It is to be greatly deplored that among Catholics also not a few writers are to be found who, crossing the boundaries fixed by the Fathers and by the Church herself, seek out, on the plea of higher intelligence and in the name of historical considerations, that progress of dogmas which is in reality the corruption of the same.

But lest errors of this kind, which are being daily spread among the faithful, should strike root in their minds and corrupt the purity of the faith, it has pleased His Holiness Pius X, by Divine Providence Pope, that the chief among them should be noted and condemned through the office of this Holy Roman and Universal Inquisition.

Wherefore, after a most diligent investigation, and after having taken the opinion of the Reverend Consultors, the Most Eminent and Reverend Lords Cardinals, the general inquisitors in matters of faith and morals, decided that the following propositions are to be condemned and proscribed,

* The English version is appended to facilitate quotation.

as they are, by this general Decree, condemned and proscribed:

1. The ecclesiastical law, which prescribes that books regarding the Divine Scriptures are subject to previous censorship, does not extend to critical scholars or students of the scientific exegesis of the Old and New Testament.

2. The Church's interpretation of the Sacred Books is not indeed to be condemned, but it is subject to the more accurate judgment and to the correction of the exegetes.

3. From the ecclesiastical judgments and censures passed against free and more scientific (*cultiorem*) exegesis, it may be gathered that the faith proposed by the Church contradicts history and that the Catholic dogmas can not be reconciled with the true origins of the Christian religion.

4. The magisterium of the Church can not, even through dogmatic definitions, determine the genuine sense of the Sacred Scriptures.

5. Since in the deposit of the faith only revealed truths are contained, under no respect does it appertain to the Church to pass judgment concerning the assertions of human sciences.

6. In defining truths the Church learning (*discens*) and the Church teaching (*docens*) collaborate in such a way that it only remains for the Church *docens* to sanction the opinions of the Church *discens*.

7. The Church, when it proscribes errors, can not exact

from the faithful any internal assent by which the judgments issued by it are embraced.

8. Those who treat as of no weight the condemnations passed by the Sacred Congregation of the Index or by the other Roman Congregations are free from all blame.

9. Those who believe that God is really the author of the Sacred Scripture display excessive simplicity or ignorance.

10. The inspiration of the books of the Old Testament consists in the fact that the Israelite writers have handed down religious doctrines under a peculiar aspect, either little or not at all known to the Gentiles.

11. Divine inspiration is not to be so extended to the whole of Sacred Scriptures that it renders its parts, all and single, immune from all error.

12. The exegete, if he wishes to apply himself usefully to Biblical studies, must first of all put aside all preconceived opinions concerning the supernatural origin of the Sacred Scripture, and interpret it not otherwise than other merely human documents.

13. The evangelists themselves and the Christians of the second and third generation arranged (*digesserunt*) artificially the evangelical parables, and in this way gave an explanation of the scanty fruit of the preaching of Christ among the Jews.

14. In a great many narrations the evangelists reported not so much things that are true as things which even

though false they judged to be more profitable for their readers.

15. The Gospels until the time the canon was defined and constituted were increased by additions and corrections; hence in them there remained of the doctrine of Christ only a faint and uncertain trace.

16. The narrations of John are not properly history, but the mystical contemplation of the Gospel; the discourses contained in his Gospel are theological meditations, devoid of historical truth concerning the mystery of salvation.

17. The Fourth Gospel exaggerated miracles not only that the wonderful might stand out but also that they might become more suitable for signifying the work and the glory of the Word Incarnate.

18. John claims for himself the quality of a witness concerning Christ; but in realty he is only a distinguished witness of the Christian life, or of the life of Christ in the Church, at the close of the first century.

19. Heterodox exegetes have expressed the true sense of the Scriptures more faithfully than Catholic exegetes.

20. Revelation could be nothing but the consciousness acquired by man of his relation with God.

21. Revelation, constituting the object of Catholic faith, was not completed with the Apostles.

22. The dogmas which the Church gives out as revealed, are not truths which have fallen down from heaven, but are an interpretation of religious facts, which the human mind has acquired by laborious effort.

23. Opposition may and actually does exist between the facts which are narrated in Scripture and the dogmas of the Church which rest on them; so that the critic may reject as false facts which the Church holds as most certain.

24. The exegete is not to be blamed for constructing premises from which it follows that the dogmas are historically false or doubtful, provided he does not directly deny the dogmas themselves.

25. The assent of faith rests ultimately on a mass of probabilities.

26. The dogmas of faith are to be held only according to their practical sense, that is, as preceptive norms of conduct, but not as norms of believing.

27. The Divinity of Jesus Christ is not proved from the Gospels; but is a dogma which the Christian conscience has derived from the notion of the Messias.

28. Jesus, while He was exercising His Ministry, did not speak with the object of teaching that He was the Messias, nor did His miracles tend to prove this.

29. It is lawful to believe that the Christ of history is far inferior to the Christ who is the object of faith.

30. In all the evangelical texts the name *Son of God* is equivalent only to Messias, and does not at all signify that Christ is the true and natural Son of God.

31. The doctrine concerning Christ taught by Paul, John, the Councils of Nicea, Ephesus and Chalcedon, is not that which Jesus taught, but that which the Christian conscience conceived concerning Jesus.

32. It is not possible to reconcile the natural sense of the Gospel texts with the sense taught by our theologians concerning the conscience and the infallible knowledge of Jesus Christ.

33. It is evident to everybody who is not led by preconceived opinions that either Jesus professed an error concerning the immediate Messianic coming, or that the greater part of His doctine as contained in the Gospels is destitute of authenticity.

34. The critic can not ascribe to Christ a knowledge circumscribed by no limits except on a hypothesis which can not be historically conceived and which is repugnant to the moral sense, viz., that Christ as man had the knowledge of God and yet was unwilling to communicate the knowledge of a great many things to His Disciples and to posterity.

35. Christ had not always the consciousness of His Messianic dignity.

36. The Resurrection of the Saviour is not properly a fact of the historical order, but a fact of merely supernatural order, neither demonstrated nor demonstrable, which the Christian conscience gradually derived from other facts.

37. Faith in the Resurrection of Christ was in the beginning not so much in the fact itself of the Resurrection, as in the immortal life of Christ with God.

38. The doctrine of the expiatory death of Christ is not Evangelical but Pauline.

39. The opinions concerning the origin of the sacraments

with which the Fathers of Trent were imbued and which certainly influenced their dogmatic canons are very different from those which now rightly obtain among historians who examine into Christianity.

40. The sacraments had their origin in the fact that the Apostles and their successors, swayed and moved by circumstances and events, interpreted some idea or intention of Christ.

41. The sacraments are merely intended to bring before the mind of man the ever-beneficent presence of the Creator.

42. The Christian community imposed (*induxit*) the necessity of baptism, adopting it as a necessary rite, and adding to it the obligations of the Christian profession.

43. The practice of conferring baptism on infants was a disciplinary evolution, which became one of the causes why the sacrament was divided into two, viz.: baptism and penance.

44. There is nothing to prove that the rite of the sacrament of confirmation was employed by the Apostles: but the formal distinction of the two sacraments, baptism and confirmation, does not belong to the history of primitive Christianity.

45. Not everything which Paul narrates concerning the institution of the Eucharist (I Cor. xi, 23-25) is to be taken historically.

46. In the primitive Church the conception of the Christian sinner reconciled by the authority of the Church did not exist, but it was only very slowly that the Church ac-

customed itself to this conception. Nay, even after penance was recognized as an institution of the Church, it was not called a sacrament, for it would be held as an ignominious sacrament.

47. The words of the Lord: *Receive ye the Holy Ghost; whose sins ye shall forgive they are forgiven them, and whose sins ye shall retain they are retained* (John xx, 22, 23) do not at all refer to the sacrament of penance, whatever the Fathers of Trent may have been pleased to say.

48. James in his Epistle (v. 14 and 15) did not intend to promulgate a sacrament of Christ, but to commend a pious custom, and if in this custom he happens to distinguish (*cernit*) a means of grace, it is not in that rigorous manner in which it was received by the theologians who laid down the notion and the number of the sacraments.

49. The Christian Supper gradually assuming the nature of a liturgical action, those who were wont to preside at the Supper acquired the sacerdotal character.

50. The elders who filled the office of watching over the gatherings of the faithful, were instituted by the Apostles as priests or bishops to provide for the necessary ordering (*ordinationi*) of the increasing opportunities, not properly for perpetuating the Apostolic mission and power.

51. It is not possible that matrimony could have become a sacrament of the new Law until later in the Church; for in order that matrimony should be held as a sacrament it was necessary that a full theological development (*ex-*

plicatio) of the doctrine of grace and the sacraments should first take place.

52. It was foreign to the mind of Christ to found a Church as a Society which was to last on the earth for a long course of centuries; nay, in the mind of Christ the Kingdom of Heaven together with the end of the world was about to come immediately.

53. The organic constitution of the Church is not immutable; but Christian society, like human society, is subject to perpetual evolution.

54. Dogmas, sacraments, hierarchy, both as regards the notion of them and the reality, are but interpretations and evolutions of the Christian intelligence which by external increments have increased and perfected the little germ latent in the Gospel.

55. Simon Peter never even suspected that the primacy in the Church was intrusted to him by Christ.

56. The Roman Church became the head of all the Churches not through the ordinance of Divine Providence but through merely political conditions.

57. The Church has shown herself to be hostile to the progress of natural and theological sciences.

58. Truth is not any more immutable than man himself, since it is evolved with him, in him, and through him.

59. Christ did not teach a determinate body of doctrine applicable to all times and to all men, but rather inaugurated a religious movement adapted or to be adapted for different times and place.

60. Christian doctrine in its origin was Judaic, but through successive evolutions became first Pauline, then Joannine, and finally Hellenic and universal.

61. It may be said without paradox that there is no chapter of Scripture, from the first of Genesis to the last of the Apocalypse, which contains a doctrine absolutely identical with that which the Church teaches on the same matter, and that, therefore, no chapter of Scripture has the same sense for the critic and for the theologian.

62. The chief articles of the Apostolic Symbol had not for the Christians of the first ages the same sense that they have for the Christians of our time.

63. The Church shows itself unequal to the task of efficaciously maintaining evangelical ethics, because it obstinately adheres to immutable doctrines which can not be reconciled with modern progress.

64. The progress of science involves a remodeling (*ut reformentur*) of the conceptions of Christian doctrine concerning God, Creation, Revelation, the Person of the Incarnate Word, Redemption.

65. Modern Catholicism can not be reconciled with true science unless it be transformed into a non-dogmatic Christianity, that is into a broad and liberal Protestantism.

And on the following Thursday, the fourth day of the same month and year, an accurate report of all this having been made to Our Most Holy Lord Pope Pius X, His Holiness approved and confirmed the Decree of the Most

Eminent Fathers, and ordered that the propositions above enumerated, all and several, be held by all as condemned and proscribed.

PETER PALOMBELLI,
Notary of the H. R. U. I.

X

DECRETUM DE SPONSALIBUS ET MATRIMONIO IUSSU EX AUCTORITATE SS. D. N. PII PAPAE X. A. S. CONGREGATIONE CONCILII EDITUM

Ne temere inirentur clandestina coniugia, quae Dei Ecclesia iustissimis de causis semper detestata est atque prohibuit, provide cavit Tridentinum Concilium, *cap. 1, Sess. XXIV de reform. matrim.* edicens: "Qui aliter quam praesente parocho vel alio sacerdote de ipsius parochi seu Ordinarii licentia et duobus vel tribus testibus matrimonium contrahere attentabunt, eos Sancta Synodus ad sic contrahendum omnino inhabiles reddit, et huiusmodi contractus irritos et nullos esse decernit."

Sed cum idem Sacrum Concilium praecepisset, ut tale decretum publicaretur in singulis paroeciis, nec vim haberet nisi iis in locis ubi esset promulgatum; accidit ut plura loca, in quibus publicatio illa facta non fuit, beneficio tridentinae legis caruerint, hodieque careant, et haesitationibus atque incommodis veteris disciplinae adhuc obnoxia maneant.

Verum nec ubi viguit nova lex, sublata est omnis difficultas. Saepe namque gravis exstitit dubitatio in decernenda persona parochi, quo praesente matrimonium sit contrahendum. Statuit quidem canonica disciplina, proprium parochum eum intelligi debere, cuius in paroecia domicilium sit, out quasi domicilium alterutrius contrahentis. Verum quia nonnunquam difficile est iudicare, certo ne constet de quasi-domicilio, haud pauca matrimonia fuerunt obiecta periculo ne nulla essent: multa quoque, sive inscitia hominum sive fraude, illegitima prorsus atque irrita deprehensa sunt.

Haec dudum deplorata, eo crebrius accidere nostra aetate videmus, quo facilius ac celerius commeatus cum gentibus, etiam disiunctissimis, perficiuntur. Quamobrem sapientibus viris ac doctissimis visum est expedire ut mutatio aliqua induceretur in iure circa formam celebrandi connubii. Complures etiam sacrorum Antistites omni ex parte terrarum, praesertim e celebrioribus civitatibus, ubi gravior appareret necessitas, supplices ad id preces Apostolicae Sedi admoverunt.

Flagitatum simul est ab Episcopis, tum Europae plerisque, tum aliarum regionum, ut incommodis occurreretur, quae ex sponsalibus, idest mutuis promissionibus futuri matrimonii privatim initis, derivantur. Docuit enim experientia satis, quae secum pericula ferant eiusmodi sponsalia; primum quidem incitamenta peccandi causamque cur inexpertae puellae decipiantur; postea dissidia ac lites inextricabiles.

His rerum adiunctis permotus SSmus D. N. Pius PP. X pro ea quam gerit omnium Ecclesiarum sollicitudine, cupiens ad memorata damna et pericula removenda temperatione aliqua uti, commisit S. Congregationi Concilii ut de hac re videret, et quae opportuna aestimaret, Sibi proponeret.

Voluit etiam votum audire Consilii ad ius canonicum in unum redigendum constituti, nec non Emorum Cardinalium qui pro eodem codice parando speciali commissione delecti sunt: a quibus, quemadmodum et a S. Congregatione Concilii, conventus in eum finem saepius habiti sunt. Omnium autem sententiis obtentis SSmus Dominus S. Congregationi Concilii mandavit, ut decretum ederet quo leges a Se, ex certa scientia et matura deliberatione probatae, continerentur, quibus sponsalium et matrimonii disciplina in posterum regeretur, eorumque celebratio expedita, certa atque ordinata fieret.

In executionem itaque Apostolici mandati S. Concilii Congregatio praesentibus litteris constituit atque decernit ea quae sequuntur.

DE SPONSALIBUS

I. Ea tantum sponsalia habentur valida et canonicos sortiuntur effectus, quae contracta fuerint per scripturam subsignatam a partibus et vel a parocho, aut a loci Ordinario, vel saltem a duobus testibus.

Quod si utraque vel alterutra pars scribere nesciat, id in ipsa scriptura adnotetur; et alius testis addatur, qui cum

parocho, aut loci Ordinario, vel duobus testibus, de quibus supra, scripturam subsignet.

II. Nomine parochi hic et in sequentibus articulis venit non solum qui legitime praeest paroeciae canonice erectae; sed in regionibus, ubi paroeciae canonice erectae non sunt, etiam sacerdos cui in aliquo definito territorio cura animarum legitime commissa est, et parocho aequiparatur; et in missionibus, ubi territoria necdum perfecte divisa sunt, omnis sacerdos a missionis Moderatore ad animarum curam in aliqua statione universaliter deputatus.

DE MATRIMONIO

III. Ea tantum matrimonia valida sunt, quae contrahuntur coram parocho vel loci Ordinario vel sacerdote ab alterutro delegato, et duobus saltem testibus, iuxta tamen regulas in sequentibus articulis expressas, et salvis exceptionibus quae infra n. VII et VIII ponuntur.

IV. Parochus et loci Ordinarius valide matrimonio adsistunt.

§ 1. Die tantummodo adeptae possessionis beneficii vel initi officii, nisi publico decreto nominatim fuerint excommunicati vel ab officio suspensi;

§ 2. Intra limites dumtaxat sui territorii; in quo matrimoniis nedum suorum subditorum, sed etiam non subditorum valide adsistunt;

§ 3. Dummodo invitati ac rogati, et neque vi neque metu gravi constricti requirant excipiantque contrahentium consensum.

V. Licite autem adsistunt:

§ 1. Constito sibi legitime de libero statu contrahentium, servatis de iure servandis;

§ 2. Constito insuper de domicilio, vel saltem de menstrua commoratione alterutrius contraentis in loco matrimonii;

§ 3. Quod si deficiat, ut parochus et loci Ordinarius licite matrimonio adsint, indigent licentia parochi vel Ordinarii proprii alterutrius contrahentis, nisi gravis intercedat necessitas, quae ab ea excuset;

§ 4. Quoad *vagos,* extra casum necessitatis parocho ne liceat eorum matrimoniis adsistere, nisi re ad Ordinarium vel ad sacerdotem ab eo delegatum delata, licentiam adsistendi impetraverit;

§ 5. In quolibet autem casu pro regula habeatur, ut matrimonium coram sponsae parocho celebretur, nisi aliqua iusta causa excuset.

VI. Parochus et loci Ordinarius licentiam concedere possunt alio sacerdoti determinato ac certo, ut matrimoniis intra limites sui territorii adsistat.

Delegatus autem, ut valide et licite adsistat, servare tenetur limites mandati, et regulas pro parocho et loci Ordinario n. IV et V superius statutas.

VII. Imminente mortis periculo, ubi parochus, vel loci Ordinarius, vel sacerdos ab alterutro delegatus, haberi nequeat, ad consulendum conscientiae et (si casus ferat) legitimationi prolis, matrimonium contrahi valide ac licite potest coram quolibet sacerdote et duobus testibus.

VIII. Si contingat ut in aliqua regione parochus locive Ordinarius, aut sacerdos ab eis delegatus, coram quo matrimonium celebrari queat, haberi non possit, eaque rerum conditio a mense iam perseveret, matrimonium valide ac licite iniri potest emisso a sponsis formali consensu coram duobus testibus.

IX. § 1. Celebrato matrimonio, parochus, vel qui eius vices gerit, statim describat in libro matrimoniorum nomina coniugum ac testium, locum et diem celebrati matrimonii, atque alia, iuxta modum in libris ritualibus vel a proprio Ordinario praescriptum; idque licet alius sacerdos vel a se vel ab Ordinario delegatus matrimonio abstiterit.

§ 2. Praeterea parochus in libro quoque baptizatorum adnotet, coniugem tali die in sua parochia matrimonium contraxisse. Quod si coniux alibi baptizatus fuerit, matrimonii parochus notitiam initi contractus ad parochum baptismi sive per se, sive per curiam episcopalem transmittat, ut matrimonium in baptismi libri referatur.

§ 3. Quoties matrimonium ad normam n. VII aut VIII contrahitur, sacerdos in priori casu, testes in altero, tenentur in solidum cum contrahentibus curare, ut initum coniugium in praescriptis libris quam primum adnotetur.

X. Parochi qui heic hactenus praescripta violaverint ab Ordinariis pro modo et gravitate culpae puniantur. Et insuper si alicuius matrimonio adstiterint contra praescriptum § 2 et 3 n. V, emolumenta *stolae* sua ne faciant, sed proprio contrahentium parocho remittant.

XI. § 1. Statutis superius legibus tenentur omnes in

catholica Ecclesia baptizati et ad eam ex haeresi aut schismate conversi (licet sive hi, sive illi ab eadem postea defecerint), quoties inter se sponsalia vel matrimonium ineant.

§ 2. Vigent quoque pro iisdem de quibus supra catholicis, si cum acatholicis sive baptizatis, sive non baptizatis, etiam post obtentam dispensationem ab impedimento mixtae religionis vel disparitatis cultus, sponsalia vel matrimonium contrahunt; nisi pro aliquo particulari loco aut legione aliter a S. Sede sit statutum.

§ 3. Acatholici sive baptizati sive non baptizati, si inter se contrahunt, nullibi ligantur ad catholicam sponsalium vel matrimonii formam servandam.

Praesens decretum legitime publicatum et promulgatum habeatur per eius transmissionem ad locorum Ordinarios: et quae in eo disposita sunt ubique vim legis habere incipiant a die solemni Paschae Resurrectionis D. N. I. C. proximi anni 1908.

Interim vero omnes locorum Ordinarii curent hoc decretum quamprimum in vulgus edi, et in singulis suarum dioecesum parochialibus ecclesiis explicari, ut ab omnibus rite cognoscatur.

Praesentibus valituris de mandato speciali SSmi D. N. Pii PP. X, contrariis quibuslibet etiam peculiari mentione dignis minime obstantibus.

Datum Romae die 2 mensis Augusti anni 1907.

✠ Vincentius Card. Ep. Praenest., *Praefectus.*

C. De Lai, *Secretarius.*

XI

Apostolic Constitution

Of Our Most Holy Lord Pius X, by Divine Providence Pope, on the Roman Curia

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PIUS BISHOP
SERVANT OF THE SERVANTS OF GOD

For Perpetual Memory

With wise design the Pontiff Sixtus V, of holy memory, following in the footsteps of his predecessors and perfecting what had been begun by them, decided to increase the number and define the limits of the sacred bodies of Cardinals, or the Roman Congregations, some of which had been already instituted for the transaction of certain matters. He, therefore, by the Apostolic Letters beginning with the word "Immensa," of January 22, 1587, established fifteen of these Congregations, that "dividing among them and the other offices of the Roman Curia the immense weight of the cares and affairs" habitually brought before the Holy See, it might be no longer necessary to treat of and deliberate upon so many things in Consistory, and at the same time that controversies might be more diligently gone into and a more speedy and easier solution be given to the business of those who apply to the Supreme Pontiff from all sides in the

interests of religion and devotion, to seek justice, to ask favors, or for other reasons.

The utility accruing from these Sacred Congregations for the maintenance of ecclesiastical discipline, the administration of justice, and the relief of the Roman Pontiffs themselves overpowered by daily increasing cares and affairs, is shown by the history of the Church and is well known to all.

But in the course of time the organization of the Roman Curia, mainly effected by Sixtus V in the above-mentioned Letters Apostolic, lapsed from its original state. The number of the Roman Congregations was increased or diminished according to the necessities of time and circumstance, and even the jurisdiction originally attributed to the different Congregations underwent changes either by new enactments of the Roman Pontiffs or by the gradual growth of customs which became accepted. The result is that to-day the jurisdiction, or *competence,* of each of them is not quite clear to all nor is it well apportioned, and that many of the Sacred Congregations have the right to define the law on the same matters, and that some of them have been reduced to the transaction of very little business while others are overcharged with work.

For these reasons many bishops and thoughtful men, especially the Roman Cardinals, both in writing and orally, and both with our predecessor Leo XIII, of happy memory, and with ourself, have frequently urged that suitable remedies should be provided for the inconveniences above mentioned. And we took pains to make partial provision in

our Letters "Romanis Pontificibus" of December 7, 1903, by those "Quae in Ecclesiae bonum" of January 28, 1904, and again by those "Sacrae Congregationi super negotis" of May 26, 1906.

But now that there is question of the codification of the ecclesiastical laws it has seemed highly fitting that a beginning should be made with the Roman Curia, so that once this has been organized suitably and in a manner clear to all, it may be in a position to perform more easily its work for the Roman Pontiff and the Church and to be of the greatest possible assistance.

Wherefore, after having taken counsel with several of the Roman Cardinals, we have determined and we do decree that the Congregations, Tribunals and Offices which compose the Roman Curia and to which the affairs of the universal Church are referred for treatment, shall, after the autumn holidays of the current year, that is, after the third day of November, 1908, be only those, besides the usual Sacred Consistories, which are defined in the present Constitution, and which shall remain divided and constituted in number, order and competence by the laws which here follow:

I. The Sacred Congregations

1.—The Congregation of the Holy Office

1. This Sacred Congregation, over which the Supreme Pontiff presides, guards the teaching of faith and morals.

2. To it alone, therefore, belongs the judgment of heresy, and of other crimes which lead to a suspicion of heresy.

3. To it also are devolved all matters concerning indulgences, both as regards the doctrine and the practice.

4. Everything appertaining to the precepts of the Church, such as the abstinences, fasts and feasts to be observed, is now transferred from this Sacred Congregation and handed over to the Congregation of the Council; everything relating to the election of bishops belongs to the Consistorial Congregation; the relaxation of religious vows made in religious institutes belongs to the Congregation assigned for the affairs of religious societies.

5. Although a special Congregation is established for the discipline of the Sacraments, nevertheless the Holy Office preserves intact its faculty to treat of those questions which concern what is known as the Pauline Privilege and the impediments *disparitatis cultus* and *mixtae religionis,* as well as those connected with dogmatic teaching on Matrimony, as also on the other Sacraments.

2.—The Consistorial Congregation

1. This Sacred Congregation comprises two distinct parts.

2. To the first appertains not only the charge of preparing what is to be done in the Consistories, but also, in places not subject to the Congregation de Propaganda Fide, of founding new dioceses, and chapters, both cathedral and col-

legiate; of dividing dioceses already constituted; of electing bishops, apostolic administrators, also adjutors and auxiliaries of bishops; of instituting the canonical investigations, or *processus,* concerning those to be elected, and of diligently sifting the acts of these processes; of ascertaining the knowledge of those who are to be elected. But when the men to be elected, or the dioceses to be constituted or divided, are outside Italy, the officials of the office for Public Affairs, commonly called the *Secretariate of the State,* shall themselves receive the documents and draw up the statement (*positionem*), to be submitted to the Consistorial Congregation.

3. The second part embraces all those matters which concern the government of the different dioceses not subject to the Congregation de Propaganda Fide, and which hitherto belonged to the Congregation of the Bishops and of the Council, and are now transferred to the Consistorial Congregation. To this latter, therefore, for the future belongs the vigilance over the fulfilment or non-fulfilment of the obligations by which Ordinaries are bound: cognizance of the written reports of bishops on the state of their dioceses, the ordering of Apostolic visitations, the examination of what has been done in them, and, after a faithful exposition made to us each time, the ordering of what may seem necessary or opportune: finally everything appertaining to the government, discipline, temporal administration and studies of the Seminaries.

4. It shall be the province of this Congregation, when

conflicts of law arise, to solve doubts concerning the competence of the Sacred Congregations.

5. Of this Sacred Council the Supreme Pontiff is to be the Prefect. And to it the Cardinal Secretary of State shall always be attached *ex-officio,* besides those others whom the Supreme Pontiff may think well to make members of it.

6. The Secretary shall always be a Cardinal, selected for this office by the Supreme Pontiff; with him there shall be a Prelate with the title of *Assessor,* who shall also fill the office of Secretary of the Sacred College of the Fathers Cardinals, and under him a sufficient number of officials.

7. Consultors of this Congregation shall be the Assessor of the Holy Office, and the Secretary of the Congregation for Extraordinary Ecclesiastical Affairs while in office; to these shall be added others, selected by the Supreme Pontiff.

3.—Congregation on the Discipline of the Sacraments

1. To this Sacred Congregation is assigned the entire legislation concerning the Discipline of the Seven Sacraments, without prejudice to the authority of the Congregation of the Holy Office according to the provisions above defined, and of the Congregation of Sacred Rites regarding the ceremonies to be observed in the performing, administration and reception of the Sacraments, which were hitherto decided or granted by other Congregations, Tribunals, or Offices of the Roman Curia.

2. So also to this Congregation are assigned all those

matters connected with the discipline of Matrimony, such as dispensations *in foro externo* for the poor as well as for the rich, *sanationes in radice,* dispensations *super rato,* the separation of married couples, the restitution of birthright or legitimation of offspring; as well as in the discipline of the other Sacraments, such as dispensations for candidates for Orders, without prejudice to the right of the Congregation for the Affairs of Religious to regulate the ordinations of religious; dispensations concerning the place, time and conditions for the reception of the Eucharist, the offering of the Holy Sacrifice, the reservation of the Most August Sacrament and the other matters of the same nature.

3. The same Congregation decides, without prejudice to the right of the Holy Office, questions regarding the discipline of the Sacraments. But when this Congregation decides that any such questions are to be treated by judicial process, then it shall hand them over to the tribunal of the Sacred Roman Rota.

4. For this Congregation, as well as for the others that follow, there shall be a Cardinal Prefect, who shall preside over the Sacred Order, consisting of a number of Fathers Cardinals to be elected by the Supreme Pontiff, with a *secretary* and the other necessary officials and consultors.

4.—The Congregation of the Council

1. To this Sacred Congregation is committed that branch of affairs which relates to the universal discipline of the secular clergy and of the Christian people.

2. It is, therefore, its province to provide for the observance of the precepts of the Church, such as fasts (except the Eucharistic fast, which belongs to the Congregation on the Discipline of the Sacraments), abstinence, tithes, the observance of feasts, with the faculty of releasing the faithful from these laws on occasion; the government of everything relating to parish priests and canons, and of all things affecting pious sodalities, pious unions, pious legacies, pious works, honorariums for masses, benefices or offices, ecclesiastical property, funds of money, diocesan tributes, and other affairs of the same kind. It sees also to everything relating to ecclesiastical immunity. To the same Congregation is reserved the faculty of dispensing from the conditions required for the obtaining of benefices when the conferring of these belongs to the Ordinary.

3. To it also appertains all that regards the celebration and recognition of councils and gatherings or conferences of Bishops, as the special Congregation till now in existence for the revision of councils is suppressed.

4. This Congregation, too, is the competent or legitimate tribunal in all causes relating to the affairs committed to it which it shall decide are to be treated in a disciplinary manner or *in linea disciplinari* as the phrase goes, the others are to be handed over to the Sacred Roman Rota.

5. To the Congregation of the Council is added and united as a special Congregation that which is known as the Lauretan.

5.—The Congregation for the Affairs of Religious

1. This Sacred Congregation decides only those matters throughout the world which relate to the affairs of religious of both sexes, whether bound by simple or solemn vows, and of those who, although without vows, lead a life in common after the manner of religious, and also of secular third orders, and whether the matters to be treated are between religious themselves, or relate to them, and others.

2. It, therefore, assumes the regulation of all matters arising either between bishops and religious of both sexes or between religious themselves. It is also the competent tribunal in all cases which are treated in a disciplinary manner, or *in linea disciplinari,* when a religious is either defendant or complainant; other causes are to be handed over to the Sacred Roman Rota, without prejudice, however, to the right of the Holy Office in the causes appertaining to that Sacred Congregation.

3. Finally, to this Sacred Congregation is reserved the concession of dispensations for religious.

6.—The Congregation de Propaganda Fide

1. The jurisdiction of this Sacred Congregation is limited to those regions in which, the sacred hierarchy not being yet constituted, the missionary state still exists. But as there are some regions which, although they possess a hierarchy, are still somewhat inchoate, it is our will that these be subject to the Congregation de Propaganda Fide.

2. Wherefore, from the jurisdiction of the Congregation de Propaganda Fide, we decree the transference under the common law: in *Europe,* of the ecclesiastical provinces of England, Scotland, Ireland, and Holland, and of the diocese of Luxemburg; in *America,* of the ecclesiastical provinces of the Dominion of Canada, Newfoundland, and the United States. Hence affairs relating to these places shall for the future not be treated by the Congregation de Propaganda Fide, but by the other Congregations according to the nature of the business.

3. The other ecclesiastical provinces and dioceses hitherto subject to the jurisdiction of the Congregation de Propaganda Fide are to remain under its right and authority. So, too, we decree that to it shall belong all Vicariates-Apostolic, Prefectures and missions whatsoever, including those which are at present in a special manner under the Congregation for Extraordinary Ecclesiastical Affairs.

4. Still, in order to provide for unity of government, it is our will that the Congregation de Propaganda Fide hand over to the other special Congregations everything concerning the faith, or Matrimony, or the discipline of the Sacred Rites.

5. As regards religious, the same Congregation takes upon itself everything affecting religious, whether singly or in bodies, considered as *missionaries.* But all things affecting religious as *religious,* both individually and as bodies, it shall remit or leave to the Congregation for the Affairs of Religious.

6. To it is united the Congregation for the Affairs of Oriental Rites, which is to continue entirely as before.

7. The special Prefecture for administration ceases to exist, and the administration of all the property, including that of the Reverenda Camera Spoliorum, is committed to the Congregation de Propaganda Fide itself.

8. With this Sacred Congregation is joined the Commission for the Union of the Dissident Churches.

7.—The Congregation of the Index

1. For the future it shall be the province of this Sacred Congregation not only to examine diligently the books delated to it, to prohibit them if this should seem well, and to concede dispensations; but also officially to investigate in the best way available whether writings of any kind that should be condemned are being circulated; and to remind the Ordinaries how solemnly they are bound to condemn pernicious writings and to denounce them to the Holy See in conformity with the Constitution "Officiorum" of January 25, 1897.

2. As the prohibition of books has very frequently the scope of defence of the Catholic faith, which is also the object of the Congregation of the Holy Office, we decree that in future in all things, and in those alone, relating to the prohibition of books, the Fathers Cardinals, the Consultors and the officers of both Congregations, may communicate with one another, and that all of them in this matter shall be bound by the same secret.

8.—The Congregation of the Sacred Rites

1. This Sacred Congregation has the right of examining and decreeing all things which relate proximately to the sacred rites and ceremonies of the Latin Church, but not those which in a broader sense are related to the sacred rites, such as the laws of precedence and other matters of that kind, which are to be treated either according to judicial process, or in a disciplinary manner or *in linea disciplinari.*

2. It is, therefore, especially its province to watch over the diligent observance of the sacred ritual and ceremonial in the celebration of Mass, in the administration of the Sacraments, in the performance of the Divine Offices, in short, over all that regards the worship of the Latin Church; to grant opportune dispensations; to bestow insignia and privileges of honor, both personal and temporary, as well as local and perpetual, relating to the sacred rites and ceremonies, and to prevent the introduction of abuses in these matters.

3. Finally, it has to deal with everything relating in any way to the beatification and canonization of the saints or to the sacred relics.

4. To this Congregation are joined the Liturgical Commission, the Historico-Liturgical Commission, and the Commission for Sacred Music.

9.—The Ceremonial Congregation

This Sacred Congregation retains all the rights hitherto attributed to it; hence to it appertain the regulation of the

ceremonies to be observed in the Pontifical Chapel and Court, and of the sacred functions which the Fathers Cardinals perform outside the Pontifical Chapel; it also takes cognizance of the question affecting the precedence both of the Fathers Cardinals and of the Legates whom many nations send to the Holy See.

10.—The Congregation for Extraordinary Ecclesiastical Affairs

This Sacred Congregation concerns itself only with those matters which are submitted to its examination by the Supreme Pontiff through the Cardinal Secretary of State, and especially with such of them as have some connection with civil laws and relate to the pacts entered upon with different States.

11.—The Congregation of Studies

To this Sacred Congregation is committed the regulation of the studies which are to be gone through in the major athenæums known as Universities or Faculties, which depend on the authority of the Church, including those which are administered by the members of religious societies. It examines and approves new institutions; it grants the faculty for the conferring of academic degrees, and may confer them itself in the case of men distinguished for special learning.

II. Tribunals

1.—The Sacred Penitentiaria

The jurisdiction of this sacred court or tribunal is limited entirely to those things which regard the *forum internum,* non-sacramental as well as sacramental. Hence, matrimonial dispensations of the *forum externum* being assigned to the Congregation for the Discipline of the Sacraments, this tribunal for the *forum internum* concedes favors, absolutions, dispensations, commutations, sanations, condonations; moreover it examines questions of conscience and decides them.

2.—The Sacred Roman Rota

As the Tribunal of the Sacred Roman Rota, which in former times was an object of universal praise, has in these times through various causes almost ceased to judge, the result has been that the Sacred Congregations have been burdened excessively with forensic cases. To meet this evil, and following the lines laid down by our predecessors Sixtus V, Innocent XII, and Pius VI, we not only ordain "that for the future contentious cases, civil as well as criminal, requiring judicial procedure with trial and proofs, shall not be received or taken cognizance of by the Sacred Congregations (Letter of the Secretariate of State, April 17, 1728); but we, moreover, decree that all contentious cases, not major ones, which are treated in the Roman Curia, shall for the future devolve to the Tribunal of the Sacred

Roman Rota, which we do by these letters again call into exercise according to the *Special Law* which we issue in the appendix of the present Constitution, without prejudice, however, to the rights of the Sacred Congregations as above set forth.

3.—The Apostolic Segnatura

We have also deemed it well to restore the supreme Tribunal of the Apostolic Segnatura, and by these present letters we do restore it, or rather we institute it, in the manner determined in the above-mentioned *Law,* suppressing the ancient organization of the Papal Segnatura of Grace and Justice.

III. Offices

1.—The Apostolic Cancellaria

1. This office has for president one of the Cardinals of Holy Roman Church, who for the future shall assume the title of Chancellor instead of Vice-Chancellor. According to very ancient custom he fulfils *ex-officio* the office of notary in the Sacred Consistories.

2. Henceforth the sole proper function reserved to the office of the Cancellaria shall be that of forwarding *sub plumbo* the Apostolic Letters concerning the provision of consistorial benefices, the institution of new dioceses and chapters, and the transaction of the other greater affairs of the Church.

3. There shall be only one manner of forwarding these,

that is *per viam Cancellariae,* according to rules to be given separately, the former methods, known as *per viam secretam, de Camera,* and *de Curia,* being suppressed.

4. The above mentioned Letters or Bulls shall be sent by command of the Consistorial Congregation concerning the affairs belonging to its jurisdiction, or by command of the Supreme Pontiff concerning other affairs, the terms of the mandate being in each case observed to the letter.

5. With the suppression of the College of Prelates known as *Abbreviatores majoris vel minoris residentiae,* or *de parco majori vel minori,* their office in the signing of Apostolic Bulls is transferred to the college of Protonotaries Apostolic called *participantes de numero.*

2.—The Apostolic Dataria

1. This office is under the presidency of one of the Cardinals of Holy Roman Church, who shall for the future have the title of Datary and not that of Pro-Datary.

2. For the future the one special function of the Dataria is to be that of taking cognizance of the fitness of those who aspire to non-consistorial benefices reserved to the Apostolic See; to draw up and forward the Apostolic Letters conferring these benefices; to dispense from the requisite conditions for the conferring of these benefices; to look after the pensions and charges which the Supreme Pontiff shall have imposed for the conferring of them.

3. In the performance of all this it shall observe the rules special to it which are to be given separately.

3.—The Apostolic Camera

To this office belong the care and the administration of the property and temporal rights of the Holy See, especially during the periods of vacancy. It is presided over by a Cardinal Chamberlain of Holy Roman Church, who in the fulfilment of his office during the vacancy of the See shall be governed by the rules contained in the Constitution "Vacante Sede Apostolica" of December 25, 1904.

4.—The Secretariate of State

This office, of which the supreme ruler is the Cardinal Secretary of State, that is, of public affairs, will consist of three parts. The first part will be concerned with extraordinary affairs, which shall be submitted for examination to the Congregation assigned for them, the others being handed over, according to their nature, to the special Congregations to which they belong; the second shall deal with ordinary affairs, and to it, among other things, shall belong the right of granting all marks of honor both ecclesiastical and civil, with the exception of those reserved to the Prelate who presides over the Pontifical household; the third shall occupy itself with the sending of the Apostolic Briefs committed to it by the various Congregations. Over the first part shall preside the *Secretary* of the Congregation for Extraordinary Ecclesiastical Affairs; over the second the *Substitute* for ordinary affairs; over the third the *Chancellor* of the Apostolic Briefs.

5.—The Secretariates of Briefs to Princes and of Latin Letters

This double office shall perform as heretofore its functions of writing in Latin the acts of the Supreme Pontiff.

But for the future in all Apostolic Letters sent either by the *Cancellaria* or by the *Dataria* the beginning of the year shall be taken not from the day of the Incarnation of Our Lord, that is, from March 25, but from the first of January.

Wherefore the Congregations, Tribunals and Offices which we have mentioned shall constitute the Roman Curia, preserving their own constitutions as in existence before these our Letters, unless in as far as they may have been changed by the above prescriptions according to the law and to the rules general or special, added to this Constitution.

The Congregation known as that of the *Reverenda Fabrica S. Petri* shall for the future have as its sole care the domestic affairs of the Basilica of the Prince of the Apostles, in this observing to the letter the rules laid down by Benedict XIV in the Constitution "Quanta curarum" of November 15, 1751.

The Commissions for *the promotion of the study of Scripture* and *of History;* for *the administration of Peter Pence,* for *the Preservation of the Faith in the City,* remain in their former state.

With the removal of the Congregation for *the Apostolic Visitation of the City,* its right and functions we transfer to a special Commission of Fathers Cardinals to be constituted as the Vicariate of the City.

But for all and several of the above-mentioned Congregations, Tribunals and Offices, let this first of all be a solemn rule: that nothing grave and out of the ordinary be done until it shall have previously have been made known to us, and to our successors for the time being, by the rulers of the same.

Moreover, all sentences, whether of grace or justice, require the pontifical approval, exception being made for those for which special faculties have been granted to the rulers of the said Offices, Tribunals, and Congregations, and always excepting the sentences of the Tribunals of the Sacred Rota and of the Apostolic Segnatura passed by them within their competence.

To this Constitution are added special laws, and rules both general and special, by which the discipline and the method of treating affairs in the Congregations, Tribunals and Offices are regulated; which laws and rules we order to be scrupulously observed by all.

And these are to have force while the Apostolic See is occupied; for when it is vacant the laws and rules laid down in the above-mentioned Constitution "Vacante Sede Apostolica" are to hold.

Decreeing the present Letters to be of force, valid and efficacious, now and in the future, and to have and obtain

their plenary and integral effects, and to be in all things and for all things of force on behalf of those whom it concerns or shall in any way concern for the time being, and that any attempt against these made by anybody shall be null and void. Notwithstanding our rule and that of the Apostolic Cancellaria regarding the non-abolition of acquired rights, and other Apostolic Constitutions and Ordinances, or statutes based on any other sanction, customs and anything else whatsoever, even those calling for special mention, to the contrary.

Given at Rome at St. Peter's in the year of the Incarnation of Our Lord one thousand nine hundred and eight, on the feast of the Holy Apostles Peter and Paul, June 29, in the fifth year of our Pontificate.

A. Card. Di Pietro,
Pro-Datary.

R. Card. Merry del Val,
Secretary of State.

Authenticated

I of the Viscounts De Aquila of the Curia
Place ✠ of Seal
Reg. in the Secr. of Briefs

V. Cugnoni.

Index

Abbreviators, 35, 117
Acts and Decrees of the Congregations, 53
Administrator vicarius Apostolicus, 74
Advocates, 40, 134
Advocatus fiscalis, and *reorum*, 55
Aetas canonica, 114
Agentia Camerae spoliorum, 82
Agents at the Curia, 43, 150
Alienatio bonorum ecclesticorum, 64, 75, 125
Allocutions, papal, 48
Almoner, papal, 35
Apostolic blessing, 160
Appeals, see Courts of Appeal
Arcarius, 12
Archives, Vatican, 104
Archpriests, Roman, 32
Aspiranti, s. Apprendisti, 95
Auditores generales, 15
Auditors of the *Rota*, 132
Authorship and Content of Fourth Gospel, Decree on, 320

Basilicas, papal, 25
— patriarchal, 32, 36
Beads, see Rosaries
Benefices, 16, 64, 123, 129
Bibliothecarius, 14, 116
Bishops in Italy, their election, 57, 78
Breviary, 129, 165
Briefs, 15, 91, 92, 113, 120, 128
Bulls, 113, 120

Caesaropapismus, 8
Camera Apostolica, 14, 35, 118, 137
— *spoliorum*, 81, 82
Camerlengo, 140
Cancellaria Apostolica, 5, 11, 12, 14, 43, 59, 62, 73, 88, 90, 102, 114, 116, 128, 151
Canon law, 5, 21, 316
Canonical paupers, 130
Canonization, process of, 35, 41, 48, 86, 88, 135, 291
Cardinals, and College of Cardinals, 13, 24, 47, 49
Cardinal-nepos, 110
Cardinal-Secretary of State, 32, 94, 111
Celibacy, dispensation from, 56
Censures, ecclesiastical, 129, 170
Ceremonies, masters of, 36, 87, 93
Chamber, Apostolic, see *Camera Apostolica*
Chamberlains, private, 35, 39
Chancellor, and Vice-Chancellor, 32, 114

Chancery officials, 8, 12, 117
— regulations, 5, 16
Chapel, papal, 93
Chaplains, papal, 15, 36
Civil procedure, 65, 74, 132, 138, 177
Clergy, Roman, 8, 11
Coadjutor, episcopal, 78
Collegium Urbanum, 80, 83
Commissiones Cardinalisticae, 21, 51, 84, 103
Commissio super examine relationum ordinariorum de statu dioecesium, 68
— *Visitatorum Apostolicorum pro dioecesibus Italiae*, 70
— *de eligendis Episcopis*, 78
— *super revisione et correctione librorum Ecclesiae orientalis*, 80, 82, 84
— *ad revisendas constitutiones vel relationes Institutorum Regularium dioecesium et vicariatuum a s. Congregatione de Propaganda Fide dependentium*, 81
— *super revisione Synodorum provincialium*, 81
— *liturgica*, 86, 87
— *historico-liturgica*, 86, 87
— *super editione Vaticana librorum liturgicorum Gregorianorum*, 86, 87
— *super musica et sacro cantu*, 87
— *pro reunione ecclesiarum dissidentium*, 103
Commissio praeservationis Fidei, 103
— *studiis historicis praeposita*, 104
— *studiis biblicis praeposita*, 105
Commissio de re Biblica, decree of, 320
Communis data, 15, 123
Communion without fast, 166
Conclave, 77, 141
Concordats, 94, 95
Condonatio onerum s. missarum, 64
Confessors, Apostolic, 15
Confraternities, 91, 164, 176
Congregatio s. Romanae et Universalis Inquisitionis, sive s. Officii, 49, 51, 54, 59, 78, 83, 88, 89, 130, 185, 207
— *Indicis librorum prohibitorum*, 58, 207
— *Cardinalium Conc. Trid. Interpretum*, 21, 41, 61, 68, 76, 83, 177, 195, 207, 276, 284, 302
— *super revisione Conciliorum Provincialium*, 71
— *super residentia Episcoporum*, 71
— *Immunitatis ecclesiasticae*, 72
— *super negotiis Episcoporum et Regularium*, 21, 65 72, 73, 177, 182, 207, 220, 221, 225
— *consistorialis*, 77
— *super examine Episcoporum*, 78

Congregatio de Propaganaa Fide, 32, 79, 96, 130, 185
— *pro negotiis ritus orientalis*, 80, 82
— *Caeremonialis*, 85, 92
— *sacrorum Rituum*, 43, 85, 135, 291
— *Indulgentiarum et sacrarum Reliquiarum*, 90
— *super negotiis ecclesiasticis*, 130
— *extraordinariis*, 94
— *Studiorum*, 97
— *Rev. Fabricae s. Petri*, 99
— *Lauretana*, 100
— *Visitationis Apostolicae*, 101
Congregationes particulares, 97
— *sacrae*, 19, 35, 45, 47, 49
Congregations, religious, with simple vows, 219
Consistories, papal, 13, 19, 32, 45, 77
Consultors, see the chapters on Congregations
Council of Lyons, 118,
— of Constance and Basle, 26
— of Trent, 19, 61, 63, 78, 83, 86
Court, papal, 6, 12, 22, 33, 93
Courts of Appeal, ecclesiastical, 64, 76, 134
— of Law, papal, 46, 56, 132
Curia Romana, 22
— the intercourse with, 145
Curials, Curial offices, 17, 18, 40, 45, 62

D*ataria Apostolica*, 15, 16, 101, 114, 120, 123, 128
Deaconries of the poor, 8, 12
Decorations and Orders, papal, 112, 115
Defensor matrimonii, 41, 205
Defensores s. ecclesiae, 12
Degrees, academical, 98, 105
Diplomatic affairs, papal, 95, 110
Domicile, obligatory, 63, 71
Dominican Order, 54, 59

Election of bishops, 78
Episcopal sees, their erection, 77
Episcopal sees, their partition, 77
Expeditors, 43

Faculties, 63, 74, 88, 91, 146, 291
Faculties to bless, 156, 293
Faith, matters of, 57, 103
Famiglia pontificia, 22
Fast and abstinence decrees, 56
Fees and taxes, 151
Fiscal administration, papal, 14, 137
Formalities, 146
Forms for Petitions to the Holy See for the faculty to bless the four scapulars, 156
— bread, wine, etc., on the Feast of St. Blaise, 157
— girdles in honor of St. Philomena, 157
— the Scapular in honor of St. Michael, 158

Forms for Petitions to bless crosses, medals, rosaries, etc., with papal Indulgences, 158
— ecclesiastical vestments, 159
— for the Apostolic blessing, 160
— for the Apostolic blessing at the close of missions, 161
— for the Indulgence of the Portiuncula, 161
— for the personal altar-privilege, 162
— for privileged altar, 162
— for a plenary Indulgence on a certain feast, 163
— for an Indulgence for a newly erected confraternity, 164
— for the privilege of reading prohibited books, 164
— for the privilege to anticipate the Breviary, 165
— for commutation of the Breviary, 165
— for the Mass form *de Beata*, 166
— for the privilege to receive Holy Communion without the *jejunium*, 166
— for a private oratory—
(a) for sick priests, 167
(b) *More Nobilium*, 168
— for the preservation of the Blessed Sacrament at oratories, 169
— for absolution from censures, 170
— for dispensation from a reserved vow, 171
Forms for Petitions to Religious Orders for blessing the White Scapular, 172
— the Brown Scapular, 172
— the Blue Scapular, 172
— the Black Scapular, 173
— the Red Scapular, 173
— the Scapular of Our Lady of Good Counsel, 173
— the Scapular of St. Joseph, 173
— of rosaries with the Dominican Indulgences, 174
— the rosary of St. Brigid, 174
— rosaries of the Seven Dolors, 174
— of St. Benedict's medals, 175
— of crucifixes with the Indulgences of the Way of the Cross, 175
— of Stations of the Cross, 175
— for the aggregation of confraternities to an arch-confraternity, 176
Formulae of Roman decisions, 66
Formularies, 156
Franciscan Order, 55, 113

Human progress, its influence in the Church, 3
Hymnographer, 87

Independence of Church from state, 8
Index, 56, 58, 164
Indulgences, 90, 114, 161
Inquisition, 54, 108
Interpreters, 82

Irregularities, 125, 129
Italian bishops and Sees, 57, 70 78

Jesuit Order, 113, 128
Judices palatini, 12, 14, 116, 137
Jura Stolae, 64, 302
Jus pontificium de Propaganda, 84

Literae simplices, 113
Loreto, 100

Maestro di Camera, 35
Maggiordomo, 35, 39
Magister s. palatii, 35, 55, 59, 87, 89
Mail and telegraph, 152
Manual stipends, 276
Marriage decrees, 185
Marriage impediments and dispensations, 56, 124, 129
Marriage process, 64, 185
Masters of ceremonies, 36, 87, 93
Medals, 114, 158, 175
Ministers, papal, 111
Mission countries, 79

Nepotism, 14, 17
Nomenclator, 12
Notaries, 8, 12, 43, 116, 134
Nuntii Apostolici, 112

Observatio horae, diei et loci, 64, 100
Offices, curial, 2, 14, 17, 45, 110
Officiales praelati, 86
Orders, papal, 112, 115
Orders, religious, and congregations, 172, 219
Orders, their possessions, 75
Order, Third, 91
Oriental churches, 103

Palatine judges, 12, 14, 116
Palatium Lateranense, 117
— *Cancellariae*, 118
— *Vaticanum*, 95, 111
Pallium, 41, 78
Papal election, 28
Penal procedure, ecclesiastical, 52, 56, 75, 139, 207
Penitentiary, Sacred, 15, 35, 83, 127, 152
Persecutions of the Church, 7
Petitions for absolutions, 129, 152, 170
Piae causae, 64, 100
Pope, the head of the Curia, 2
Praelatura iustitiae, 40
— *gratiae*, 40
Precedence, disputes about, 88, 93
Prelates, Colleges of, 33, 249
— domestic, 36, 38, 39, 44
— honorary, 35
Priests, blind, 63, 166
Primacy, 2
Primicerius notariorum et defensorum, 12, 13
Private oratory, 115, 167
Privilegium Altaris, 92, 115, 162
Procedures, 20, 41, 47, 51, 57, 65, 75, 84, 132, 135, 177
Procedure, civil, 65, 74, 132, 138, 177
— penal, 52, 56, 75, 139, 207
— in marriage processes, 185

Procedure at episcopal courts, 310
Processus in forma oeconomica, 20, 66, 75, 177
— *definitivus*, 78
— *ordinarius*, 65, 75, 177
— *per summaria precum*, 66, 76, 177
Procuratores Missionum, 85, 150
Procurators, 41, 42, 134
Prodatary, 32, 123
Promotor Fidei, 87, 90
Propaganda, see S. Congr. of the *Propaganda*
— prefect of the, 32
Protestantism in Italy, 104
Protonotarii Apostolici, 35, 249
— *ad instar*, 36, 38, 44

Qualificatores, 55

Rector, removal of a, 310
Rectorship contests, 64, 124
Reductio ss. missarum, 63, 64, 100, 102
Referendarii, 35, 141, 144
Relators, 59
Religious profession, validity of, 64
Removal of a pastor, 310
Reservatio in pectore, 33
Reserved cases, 55, 88, 129, 152
Roman law, 6
Rosaries, 91, 92, 114, 158, 174
Rota Romana, 15, 16, 19, 21, 35, 47, 89, 132

Saccellarius, 12, 137
Sacraments, misuses of, 56
Sacramentum ss. asservatio in Oratoriis, 63, 114, 169
Sacristan, papal, 86, 90
Sanatio, 91, 129
Sapienza, 42
Scapulars, 156, 172
Secretariae palatinae, 110
Secretaria Brevium, 15, 91, 92 113
— *Status*, 110
— *Brevium ad principes*, 115
— *literarum latinarum*, 115
Signatura justitiae, 16, 35, 40, 53, 140, 141
— *gratiae*, 16, 140, 143
Simony, 14, 17, 129
Solicitors, 43
Sponsalia, 64, 342
— and marriage, decree on, 342
States, papal, 21, 22, 100, 101, 111, 133
Stations of the Cross, 91, 175
Stipends, manual, 276, 284
Studio S. Congr. Concilii, 62
Subdeacon's orders, 64
Suburbicary dioceses, 8, 25, 26, 84
Syllabus of errors, 322, 332
Synodal tax, 64
Synods, Roman, 8
— of the Roman province, 10, 28, 69
— Primatial and Patriarchal, 11
— General, 11, 13, 69

Tenets and doctrines, theological, 57
Terrae Missionum, 79

Territories of the regular ecclesiastical jurisdiction, 79
— of the *Propaganda*, 79
— of the *Congr. extraordinaria*, 96
Third Order, 91
Title of ordination, 63
Translatio ss. Missarum, 63
Tribunalia, 46, 56, 132
Universities, Catholic, 97
Ursulines, their union, 314

Vatican archives, 104
Vatican library, 105
Vestments, blessing of, 159
Visitatio ss. liminum, 62, 63 69
Vows, 56, 75, 129, 171

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